

City of Duluth
Planning Commission
February 10, 2015 Meeting Minutes
Council Chambers - Duluth City Hall

I. Call to Order

President David Sarvela called to order the meeting of the city planning commission at 5:00 pm on Tuesday, February 10, 2015, in City Hall Council Chambers.

Roll Call

Attending: Terry Guggenbuehl, Garner Moffat, Patricia Mullins, David Sarvela and Luke Sydow

Absent: Marc Beeman, Drew Digby, Tim Meyer and Zandra Zwiebel

Staff Present: Keith Hamre, Chuck Froseth, Nate LaCoursiere, Steven Robertson, John Kelley, Jenn Moses and Cindy Stafford

II. Unfinished Business

III. Public Hearings

- A. PL 14-180 UDC Map Amendment to Rezone from R-2 to R-P for Campus Park Villas and Townhomes at 2338 Rice Lake Road by the city of Duluth

Staff: John Kelley introduces the city's proposal to rezone the Campus Park Low Density Planned Development (LDPD) for an 88-unit rental townhouse development located on the east side of Rice Lake Road and north of Barnes Road from Residential-Urban (R-2) to Residential – Planned (R-P). Staff recommends approval.

Applicant: N/A

Public: N/A

Commissioners: Chair David Sarvela asks staff where in the UDC the rezoning is mentioned. Per Kelley, it is listed under Section 50-14.7H, which is page 2-20.

MOTION/Second: Mullins/Guggenbuehl recommend approval as per staff's recommendation.

VOTE: (5-0)

- B. PL 15-003 UDC Map Amendment to Rezone Fountain Gate Townhomes (Formerly Autumn Leaves) From R-1 to R-P by the City of Duluth

Staff: John Kelley introduces the city's proposal to rezone Fountain Gate Townhomes Low Density Planned Development (LDPD) for a 38-unit townhouse development located north and west of Anderson Road from Residential – Traditional (R-1) to Residential – Planned (R-P). Staff recommends approval

Applicant: N/A

Public: N/A

Commissioners: N/A

MOTION/Second: Guggenbuehl/Mullins recommend approval as per staff's recommendation.

VOTE: (5-0)

- C. PL 15-004 UDC Map Amendment to Rezone Portions of Airport Road from MU-N to MU-B by the city of Duluth

Staff: John Kelley introduces the city's proposal to rezone approximately 159 acres of land along Airport Road from Mixed Use – Neighborhood (MU-N) to Mixed Use – Business (MU-B). Staff recommends approval.

Applicant: N/A

Public: N/A

Commissioners: N/A

MOTION/Second: Mullins/Guggenbuehl recommend approval as per staff's recommendation.

VOTE: (5-0)

- D. PL 15-002 UDC Map Amendment to Rezone Amity Park, Amity Creek Park, Brighton Beach/Kitchi Gammi Park, University Park to P-1 By the City of Duluth

Staff: John Kelley introduces the city's proposal to rezone park property including Amity, Amity Creek, Lester/Amity, Kitchi Gammi and University Parks located on the eastern and northeast portions of the city from current zoning districts of Residential-Traditional (R-1), Residential-Rural (RR-1) and Residential-Rural 2 (RR-2) to Park and Open Space (P-1). Staff recommends approval. Luke Sydow asks staff to clarify the land labeled State of Minnesota "park". Kelley replied it is not included in the rezoning at this time. Sydow asks if there a timeline for the area around Lester Park ski trails. Director Keith Hamre states the city is currently in the process with the county of reviewing state owned parcels. At present we are focusing on city owned property.

Applicant: N/A

Public: N/A

Commissioners: N/A

MOTION/Second: Moffat/Mullins recommend approval as per staff's recommendation.

VOTE: (5-0)

- E. PL 15-010 Special Use Permit for Residential Care Facility at 2405 West 5th Street by One Roof Community Housing

Staff: Steven Robertson introduces the applicant's request for a special use permit which is to convert an existing single-family home into a residential care facility (6 or fewer residents). The permitted use table in the zoning code lists this type of use as a permitted use in the R-1 zone district, but because it is within 1,320 feet of an existing residential care facility, the state requires the applicant to get a conditional or special use permit from the City. Staff recommends approval subject to the conditions listed in the staff report.

Applicant: Julie Hillman, the housing coordinator for One Roof addresses the commission. Maude Dornfeld and Eric Lutz will be operating the program and are also present. Hillman asks if there are any questions. There are none.

Public: N/A

Commissioners: N/A

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

VOTE: (5-0)

F. PL 15-006 MU-C Planning Review for Restaurant at 104 West Central Entrance by Donco, LLC

Staff: Jenn Moses introduces the applicant's request for a planning review for a Dunkin' Donuts restaurant in the MU-C District. They are requesting the maximum allowed parking spaces of 23. Staff report recommends approval based on the site plan submitted with the application. Staff notes the revised site plan which was handed out prior to the meeting. Revised site plan includes additional bituminous parking area and less landscaping. It may exceed the parking maximum and may not allow for adequate stormwater treatment.

Applicant: Bill Scalzo of Scalzo Architects addresses the commission. He notes the revised site plan has been reviewed and approved by engineering. They hope to begin construction as soon as possible. Terry Guggenbuehl asks about the oversized-vehicle parking and why it's dedicated. Scalzo notes the owner's desire to provide parking for an RV or a boat trailer. He asks about traffic flow and thinks there will be more pedestrian traffic than there was for the liquor store. Scalzo noted they are eliminating the entrance from Basswood. It will be a shared entrance with the car wash. Garner Moffat is concerned about the increase of traffic going into the alley. He is also concerned with the extra paved area and hopes landscaping will be included. Scalzo responded yes, the landscaping will be included a little further to the west. Sydow asks if it is one-way traffic and notes angled parking might be a better option. Chair Sarvela asks if there will be an area used for snow storage in the winter. Scalzo states yes. Patricia Mullins questioned if the drainage issues have been approved. Scalzo stated Tom Johnson from City Engineering has been included and states the revised plan works for the site.

Public: N/A

Commissioners: Moffat is concerned with the large space and the added traffic being diverted through the neighborhood. Guggenbuehl noted angled parking for spots 2-11 could be deeper and wider to accommodate RVs. He also does not think an extra-large RV spot should be a dedicated parking space. Guggenbuehl doesn't want to table, but thinks a condition should be added to re-work the parking. Charles Froseth commented that if there are unanswered questions he would recommend tabling. Moffat asks what the standard parking space is. Per Moses, it's 9' x 17'. She said they can look into oversize vehicle dimensions, etc.

MOTION/Second: Guggenbuehl/Mullins table for more information on parking and traffic flow.

VOTE: (5-0)

G. PL 14-183 Vacate Right of Way at 523 North 79th Avenue West by Harlen Olson and Leslie Eldridge

Staff: Jenn Moses introduces the applicants' proposal to vacate 1/2 block of the alley adjacent to 523 N. 79th Ave. W. Based on the findings in their report, staff recommends approval with the condition that 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 review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

Applicant: Harlen Olson addresses the commission and asks if there are questions. There are none.

Public: N/A

Commissioners: N/A

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

VOTE: (5-0)

- H. PL 15-008 Vacate a No Structure Easement of the South Side of West 2nd Street Right of Way between North Lake Avenue and North First Avenue West for by Northland Companies

Staff: Jenn Moses introduces the applicant's proposal to vacate a "no build" easement ranging from 4.5 to 8.2 feet along West 2nd Street between Lake Avenue and 1st Avenue West. Staff recommends approval. Guggenbuehl asks staff why this was brought to their attention. Moses states eventually the clinic may want to expand and any encumbrances on the property will need to be cleaned up.

Applicant: Adam Zwack of Northland Consulting Engineers addresses the commission on behalf of the applicant who is the owner of the Scottish Rite Clinic, Jim Holmgren. There are no questions from the commissioners.

Public: N/A

Commissioners: N/A

MOTION/Second: Guggenbuehl/Mullins recommend approval as per staff's recommendation.

VOTE: (5-0)

- I. PL 14-166 Vacate Right of Way of Worth Street by Regents of the University of Minnesota, Duluth

Staff: Jenn Moses introduces the applicant's proposal to vacate a portion of undeveloped Worth Street between Oakland Avenue and Bayview Avenue. Staff recommends approval with the condition listed in the staff report.

Applicant: Eric Larson, engineer with UMD addresses the commission and asked if there are any questions. Guggenbuehl states there are a lot of parking lots in the area. Is this the reason for the vacation? Larson states, for the short term yes. But looking long term, they need to clean up ownership as UMD acquires property. Guggenbuehl noted there are only four metered spots for Bagley Nature Area. Larson responded that normally three or four spaces are open at any given time.

Public: N/A

Commissioners: N/A

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

VOTE: (5-0)

- J. PL 14-167 Vacate Right of Way of Bayview Street by Regents of the University of Minnesota, Duluth

Staff: Jenn Moses introduces the applicant's proposal to vacate an undeveloped portion of Bayview Avenue from approximately 1/2 block north of Worth Street to 1/2 block south of Worth Street, retaining a utility easement in the northeast corner to serve an existing sanitary sewer line. Staff recommends approval with the conditions listed in the staff report. Sydow asks how access to the utility easement would be maintained without tearing up the ball field. Larson doesn't feel it creates a new situation as the City and UMD work cooperatively on utility maintenance.

Applicant: (See above).

Public: N/A

Commissioners: N/A

MOTION/Second: Mullins/Moffat recommend approval as per staff's recommendation.

VOTE: (5-0)

- K. PL 14-168 Vacate Right of Way of Oakland Avenue by the Regents of the University of Minnesota, Duluth

Staff: Jenn Moses introduces the applicant's proposal to vacate an undeveloped portion of Oakland Avenue from Maryland Street to 1/2 block south of Worth Street, maintaining a utility easement over a 20' portion running from 1/2 block north of Worth Street to 1/2 block south of Worth Street. Staff recommends denial for the following reasons: the vacation will result in a dead-end street; the right of way is or may be needed for pedestrian or bicycle purposes; and the right of way is needed for utility purposes. In particular, Staff notes that the right of way is an alternative alignment for the Duluth Traverse Trail currently being planned, and may be needed for future connections between UMD and the neighborhood along Arrowhead Road.

Applicant: The applicant is looking at access for the cross fit trail in other areas. The Arrowhead Block has been vacated but contains a pedestrian easement. He feels the trail would be better built away from a wetland and trout stream.

Public: N/A

Commissioners: Moffat clarifies what areas have already been vacated. Moses shows the commissioners the layout on the map. Mullins clarifies what the pedestrian easement is intended to be used for. Larson clarifies yes, it is a pedestrian easement. Guggenbuehl feels denial would prevent the dead ends. He doesn't feel it would be a good pedestrian access, but nevertheless feels it's worth keeping.

MOTION/Second: Guggenbuehl/Moffat recommend denial of the vacation as per staff's recommendation. Moffat notes future consideration possible after the trail is added.

VOTE: (5-0)

- L. PL 14-170 Vacate Utility Easement by Regents of the University of Minnesota, Duluth

Staff: Jenn Moses introduces the applicant's proposal to vacate an alley in Block 7 Clover Hill Division, running parallel to Woodland Avenue and abutting Clover Street. Staff recommends approval with the condition listed in the staff report.

Applicant: Present, but did not speak.

Public: N/A

Commissioners: N/A

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

VOTE: (5-0)

- O. PL 15-005 UDC Text Amendment to Allow Land Use Supervisor to Administratively Approve Front and Rear Yard Reductions in Setbacks for Public Utility Structures

Staff: Steven Robertson introduces the city's text amendment to allow for the authority of the Land Use Supervisor to approve minor administrative adjustments as detailed in the report. Staff recommends approval. Sydow mentions in time of need, not in time of

convenience. He wonders will it always be 5 feet moving forward. He notes Skyline Drive and the new gas structure which is 2 feet back from the sidewalk. He is concerned with too much latitude will be given, and it will be 5 feet every time. Froseth states the applicants still need to prove five feet is needed. Sydow said verbiage regarding justification should be added. Guggenbuehl clarified it's not for-profit structures. Robertson it's mainly the utility structures they are seeing a need for.

Applicant: N/A

Public: N/A

Commissioners: Guggenbuehl does not feel the need to include parks at this time. The commission can address the park situations as they arise, and think's the Park & Recreation Department would appreciate the additional input. Moffat is okay with including the public recreation in the motion and notes the challenging topography in some parks and feels five feet is not unreasonable. Froseth mentions some community center examples including Riverside and Grant Rec Center where the additional setback allowance could be utilized. Sydow mentions Lower Chester Hockey Center and they are considering rebuilding. Guggenbuehl notes public may not want restrooms close to the property line. Sydow states they would be going from 25' to 20'. Confusion ensues about the wording. Robertson clarified it would be a minimum of a 5' setback and not a 5' setback from the current setback. Robertson suggests tabling.

MOTION/Second: Guggenbuehl/Mullins recommend approval as per staff's recommendation approve for utility but not for public recreation structure. Guggenbuehl agrees to withdraw original motion.

MOTION/Second: Guggenbuehl/Mullins Table until next meeting.

VOTE: (5-0)

IV. 5 Minute Recess
Guggenbuehl/Moffat

VOTE: (5-0)

V. Other Business

- A. Discuss Proposed Airport Zoning Districts - Steven Robertson introduces the topic and is seeking commissioner input. Guggenbuehl notes the new district would dedicated to airport functions. He stated that Sky Harbor has parking for beach access and for airport use. Robertson commented the city also has airport overlay restrictions that need to be followed, but new district will create a use district for airport activities. Chair Sarvela commented on land uses near Duluth International Airport (DIA) and the change that is being considered. Chair Sarvela is concerned with the general industrial area located at the DAI. Robertson stated that earlier tonight the Commission recommended a change to MU-B which is more compatible to current/future uses. Moffat asked about a previous EIS presentation for Sky Harbor Airport which addressed a runway extension. Is there an update? Froseth states they are almost done for the EIS. Moffat asked about the financials and if the economic advantage would outweigh the environmental impacts. Froseth responded that planning generally is not involved with the cash flow considerations. Moffat states the EIS will only give them 1/2 of the equation. Guggenbuehl asks if there is an expansion involved, how does a rezoning factor in? Robertson responded that if rezoning happens it would allow a permitted use and an

expansion of permitted used. Sydow notes the unique water landing available at Sky Harbor. Froseth notes the topics can be discussed during a brown bag discussion.

- B. Discuss R-1 Corner Side Yard Setbacks and Variances – Discuss next week.
- C. Discuss Changes to Cell Tower Ordinance (Process for Colocation on Existing Towers and Process for New Towers on Public Property) – Steven Robertson
- D. Update on Midway Annexation (Rezoning and Special Uses) – Charles Froseth notes they met last Friday. Conditional Use Permits versus special use permits. Three gravel pits will need to be folded into our code. Midway Township is updating their comprehensive plan.

VI. Communications

- A. Managers' Report – Charles Froseth gives a brief overview. Kayak Bay interviews have concluded and a contractor has been hired.
 - Future Brown Bag Meetings: Wednesday, February 18 at noon (Proposed Text Changes to the UDC-Airport Zone District, Setbacks on Corner Lots, and Cell Towers in Parks, and a Moratorium Update)

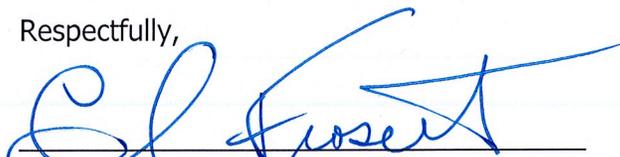
- B. Consideration of Minutes - January 13, 2015

MOTION/Second: Guggenbuehl/Sydow to approve the January minutes.

VOTE: (5-0)

- C. Reports of Officers and Committees
 - Heritage Preservation Commission Representative Guggenbuehl's first meeting. He notes the HPC appreciated Mullins' service. They will be applying for a Grant for the Lincoln Park area. Per Froseth, they are also looking for private funding sources.
- D. Annual Meeting (Wed, March 4, 5:30 pm) will be located in city hall. Proposed Changes to the Bylaws Need 30 Day Advance Written Notice (Mailed out Jan 29). Per Hamre, they will talk about the Zenith awards. Staff came up with five or six options and will accept input from the commissioners for others, or they can vote on the ones already picked. Code of Conduct form will be discussed as well as an update on the Lincoln Park Small Area Plan. Also, there will be an update on the comprehensive plan update process with the first stage being a policy review of the Unified Development Code. The Chamber has given us some feedback. In March or April the city will ask the Chamber to hold a round-table meeting with developers for an analysis, five years in. Is the UDC geared towards redevelopment? Discuss with developers what bottlenecks they are seeing. Staff finds form districts challenging and can require many variances. The first analysis will serve as a good road map. Hamre looks forward to a lively discussion.
- E. Meeting adjourned at 7:09 p.m.

Respectfully,



Charles Froseth, Land Use Supervisor