

City of Duluth  
Planning Commission  
June 12, 2012 Meeting Minutes

I. Call to Order

President Digby has called a meeting of the City Planning Commission for 5 p.m., Tuesday, June 12, 2012, in the City Council Chambers.

II. Roll Call

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

Absent: None

III. Public Hearings

- A. 12-084 UDC Map Amendment from Residential-Traditional (R-1) to Residential-Urban (R-2) and Mixed Use-Neighborhood (MU-N) in the area bordered by St. Marie Street, Woodland Avenue, and the UMD Campus.

Jenn Reed Moses stated that this is for a UDC Map Amendment. The 2006 comprehensive plan shows this area as Urban Residential and Neighborhood Commercial, and the Higher Education Small Area Plan confirmed this land use designation. We held two public meetings but no comments were submitted. Digby asked about how the Natural Resources Overlay in place along the creek would affect development. Moses stated that there are setbacks in place along the creek. Property owners along Woodland Avenue would need to pursue variances to expand. Staff feels that the reuse of the existing buildings to house small retail and restaurants is more likely.

<p>MOTION/Second: Rand/Zwiebel to Rezone the areas currently zoned Residential-Traditional (R-1) between St. Marie Street, Woodland Avenue, and the UMD campus to Residential-Urban (R-2) and Mixed Use Neighborhood (MU-N).</p> <p style="text-align:right">VOTE: Unanimous (9-0)</p>
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Beth Magomolla - lives just south of the study area and would like her property rezoned as well. Moses stated we would need to inform people within 350 feet.

- B. 12-087 PL-087 UDC Zoning Map amendment from mixed Use-Neighborhood (MU-N) to Form District 6, Mid-Rise Neighborhood shopping (F-6), the area from Mesaba Avenue to North 4<sup>th</sup> Avenue East from the Alley above 4<sup>th</sup> Street to the Alley below 4<sup>th</sup> Street.

John Judd presented the UDC Map Amendment and stated that this was the follow-up to the land use change for the area approved at the Commission in May. This area will go from MU-N to Form District 6. We sent over 450 letters to the neighbors, and held a public meeting at the Hillside Community Center on the 30<sup>th</sup> of May. There were 6 public comments via phone and one letter. The majority of public comments were in favor of the rezoning as they see this as part of revitalizing the neighborhood. The market study recently conducted as part of the Higher Education Small Area Plan also support the

increased commercialization of 4<sup>th</sup> Street. Public concerned expressed about the form based district mainly focused on the allowed building height and sight lines. Building height in Form District 6 is generally shorter than in a MU-N zone. Later this year, when amendments are made to the UDC, the planning division will be requesting the inclusion of Iconic buildings as a style in Form District 6 and to strike the provision that allows for 6 story/ 80' buildings on Lake Ave and 4<sup>th</sup> Street allowing buildings of that height only in the Canal Park Form District 6. Therefore, we are recommending this rezoning because a Form- district will allow a mix of uses that are reasonably related to the existing land uses in the area and will provide a greater level of public benefit than would be realized under the existing Mixed Use-Neighborhood zoning and no material adverse impacts on nearby properties are anticipated. Banks asked if the City will be bringing a proposal to rezone the balance of the 4<sup>th</sup> street corridor to 14<sup>th</sup> street to form based? Judd stated that they will be resuming that process later this year.

MOTION/Second: Guggenbuehl/Beeman to Approve the UDC Zoning Map Amendment, rezoning from Mixed Use-Neighborhood (MU-N) to Form District 6, Mid-Rise Neighborhood shopping (F-6), the area from Mesaba Avenue to North 4<sup>th</sup> Avenue East from the Alley above 4<sup>th</sup> Street to the Alley below 4<sup>th</sup> Street.

- C. 12-088 – UDC Zoning Map Amendment from Residential-Traditional (R-1) to Mixed Use-Neighborhood (MU-N) the portion of the Central Entrance area west of Basswood Avenue (north to Myrtle Street and south to Palm Street) to Anderson Road then west of Anderson Road (south side only).

John Kelley displayed the proposed rezoning area map and reviewed the staff report. The Comprehensive Land Use Plan - Future Land Use Map was amended to neighborhood mixed use for the proposed rezoning area upon adoption of the Central Entrance-Miller Hill Small Area Plan. The next step in implementation is to provide a zoning classification that best achieves the recommendations of the small area plan and is consistent with the Comprehensive Land Use Plan. Therefore staff is recommending that the Planning Commission recommend to City Council to approve the rezoning from R-1 to MU-N.

MOTION/Second: Rand/Banks to Approve the Map Amendment rezoning of the Property from R-1 to Mixed Use Neighborhood.

VOTE: Unanimous (9-0)

- D. 12-085 – UDC Zoning Map Amendment from Residential-Traditional (R-2) to Mixed Use-Neighborhood (MU-N) at 2424 West 5<sup>th</sup> Street, Lincoln Park School, by Sherman Associates, Inc.

Robertson stated that the Planning Commission saw an item related to this last month (alley vacation). The applicant is looking to rezone from R-2 to Mixed Use Neighborhood and the comprehensive plan supports this. The applicant, by rezoning the property to MU-N, opens the property up to more permitted uses than under R-2. Staff is recommending approval and that it is consistent with the comprehensive plan.

Applicant: Kathy Merinac with Sherman and Associates along with Jodi Anderson with DSGW Architects. They thought it was important on what they are planning to do on the project to show options for

parking. George Sherman is planning to buy the property in July, 2012. The first phase is to keep the boys and girls club. They are working on lease proposals. The applicant would need to qualify and to have a certain income level. Based on the availability of the land we are able to handle the parking.

Rosanne – the map that was sent was confusing. It has the MU-N. Is that whole area to be rezoned? The alley has a line one block up. Robertson stated that just the one block where the school is located will be rezoned at this time.

MOTION/Second: Guggenbuehl/Beeman to Approve the UDC Zoning Amendment from residential-Traditional (R-2) to Mixed Use-Neighborhood (MU-N) at 2424 West 5<sup>th</sup> Street, Lincoln Park School by Sherman and Associates Inc. Map Amendment. VOTE: Unanimous (9-0)

- E. 12-089 – Concurrent Use of Streets Permit for parking at the Corner of 23<sup>rd</sup> Avenue East and South Street by Odyssey Development.

The applicant had a received a concurrent use permit for this project last summer, but the did not supply the required information in time as required by the ordinance approved by the Council and thus need to apply for a new concurrent use permit. The applicants want to knock down the garage and build a new structure, with some parking located in the public right of way. The parking will be available to the general public. Staff recommends approval with conditions.

MOTION/Second: Guggenbuehl/Rand to Approve the Concurrent Use of Streets Permit for Parking at the Corner of 23<sup>rd</sup> Avenue East and South Street by Odyssey Development With Conditions Presented by Staff.

VOTE: Unanimous (9-0)

- F. PL 12-083 Variance from Shoreland Setback at 3129 Minnesota Avenue by Park Point Properties, LLC.

Moses stated that this is an application for a shoreland variance. The property has water on at least 3 sides. The applicant would like the setback to be 25 feet. In 2005 they were granted a building permit to build this duplex and then a stop work order was issued. In 2006 a variance was denied. In 2008, a building permit was issued. The current 50 foot setback results in an odd-shaped buildable area directly adjacent to the front lot line. Staff finds that a duplex is reasonable in the R-1 district and that they would have to provide for mitigation. Sarvela asked what the height of this is. Moses stated that as a variance application, complete building details were not submitted; what is before the planning commission is a decision on the shoreland setback. Moses stated that the variance has practical difficulties and this is unique to their property and it is a reasonable use for this property.

Applicant: Tom Riestad. They are trying to build a nice home on this property. They resubmitted the same drawing that received a building permit in 2008. The building line is set back 39', the deck is set back 25'. The final design is not complete, but will conform with all the building codes.

Malcomb McCutcheon – 3121 Minnesota Avenue. This property is an attractive one for a modest size single family home, but the building that they are proposing is just too big for this. This will alter the essential character. Why was this rejected in 2006 and not in 2008?

Dawn Buck – 3105 Minnesota Avenue. She was part of the previous process and she is an environmentalist. Concerned about any variance that allows properties closer to the water.

Debra McLaughlin - 3123 Minnesota Avenue. The previous variance was denied. She asked commission to preserve areas near the waterfront. The variance, if you approve it, provides permission to build in any direction. If you approve it – it could be 7,000 sq feet. It will be 3 stories with tuck under garages. We understand that this is for a small unusual lot. The property should allow a similar footprint to other houses in the neighborhood.

Joel Anderson – 3134 Minnesota Avenue. This is a nice piece of property and with water on both sides. He looks forward to a nice home on this property, but this is oversized for the property.

Mary Vanderwerp - 3229 Minnesota Avenue. They live a couple houses down. She is concerned about the shoreland and about height. She would like something smaller on this lot.

Bruce Rutherford – 3205 Minnesota Avenue. The applicants have stated they would like additional space to back out of a garage, but he stated that it is not difficult to back directly out onto Minnesota Avenue.

Shelby Anderson- 3125 Lake Ave South - She is opposed concerned about this because of the excessive size of this structure.

Sarvela deny this / Second by Rand.

Guggenbuehl said it is the size of this project that is causing their hardship. While he is supportive of some type of variance, he is not supportive of one this big. Zwiebel stated she would agree to deny the variance. Digby expressed concerns that the owner bought the property with knowledge that this building was previously permitted by building safety. Hamre agreed that the rules have changed since it was originally permitted in 2008. There could potentially be a smaller building on the site. It is important to promote good development and meet the neighborhood's character. Duplexes are permitted in this location and can be found elsewhere on Park Point.

Commissioners asked the developer if they had a chance to meet with planning staff before purchasing the property. Reistad responded that they thought this building would be acceptable because it was previously approved. Rand stated she would encourage the developer to have more conversations with the neighbors.

LaCoursiere stated that the commission has a number of options. They can deny it or approve it with conditions that would satisfy their concerns; or they also may table this.

Digby stated he believes this footprint is too big for this lot, but is supportive of staff's recommendations and generally wants to approve it. He expressed concerns over a neighbor email complaining about rental properties in the neighborhood. He is willing to table or to have a compromise proposal.

Mullins asked if they could table it and see if the developer can come back with something a little smaller. Guggenbuehl stated that he would go with tabling it. Digby agreed he would like to see the applicants hold a meeting with neighbors. Sarvela stated that if we do table it he would like to see why in 2006 it was denied.

**MOTION/Second:** Mullins/Guggenbuehl to **TABLE** the Variance from Shoreland Setback at 3129 Minnesota Avenue by Park Point Properties, LLC. **VOTE:** 7-2 (Sydow/Sarvela)

- G. 12-090 Variance from Setbacks from Setbacks in Residential-Rural 1 (RR-1) at 7327 Redruth Street by Paula Savela.

Moses presented this variance, stating that the applicant would like to increase the size of her second floor and add two decks. This is in a RR-1 district so her property does not meet the setback. The existing deck and garage would be removed. Use of this property as a single-family house is reasonable and consistent with the character of the surrounding neighborhood.

Paula Savela – She is still confused why she had to pay \$600 to build two dormers on the house.

**MOTION/Second:** Guggenbuehl/Beeman to **Approve** the Variance at 7327 Redruth Street to accommodate a full second story and the addition of two small decks, subject to the following conditions: 1. The project be limited to, constructed, and maintained according to the Site Plan received on May 22, 2012. 2. Any alterations to the approved plans that do not alter major elements of the plan may be approved the thy Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50. **VOTE:** Unanimous (9-0)

- H. Steven Robertson had a Power Point Presentation on the Sign Code.

Respectfully,



Keith Hamre, Director of Planning and Construction Services