



City of Duluth
Planning Division

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City of Duluth
Planning Commission
Minutes of October 11, 2011
City Council Chambers, City Hall

- I. Call to Order: President Digby called a Meeting of the City Planning Commission on October 11, 2011, for 5:00 p.m. Tuesday, in the Council Chambers.
- II. Roll Call: Henry Banks, Drew Digby, Frank Holappa Terry Guggenbuehl, Heather Rand, David Sarvela, Luke Sydow and John Vigen

Staff: John Kelley, Alison Lutterman, Cindy Petkac, Steven Robertson and Edna Ulrich

III. Public Hearings

A. FN 11-119 – Quick Plat at 26 East Superior Street by A&L Duluth Renaissance, LLC.

John Kelley stated that the site is located at 26 Superior Street and the application is for a quick plat. The quick plat application is for the separating of the upper three floors of the building from the lower two floors. Each resulting lot or parcel meets all of the dimensional requirements for the zone district and each lot or parcel has access to a public street.

Applicant: Mark Pilon. They have adopted the Sheraton model of severing out the portion of mixed use project that will be commercial and residential condominium so you don't have more commercial members than residential members.

MOTION/Second: Sarvela/Vigen to **Approve** the Quick Plat based on the following conditions: 1. The proposed Quick Plat is consistent with all provisions of MSA 462.358 and 505 or 508 as applicable 2. Each resulting lot or parcel meets the minimum lot area and lot frontage requirements for the zone district in which the property is located and 3. Each resulting lot or parcel has access to a public street.

VOTE: Unanimous (8-0)

B. FN 11-114 – Variance from Natural Resources Overlay Shoreland Stream Setback (Coldwater River) from 150' to 100' feet at 7210 Freemont Street by Arrowhead Zoological Society.

John Kelley stated that the applicant is asking for a variance from the 150' Setback to 100'. The properties are zoned R1 and RR1. The property is owned by the City of Duluth. Kingsbury Creek goes through the Zoo area. The site is challenged by Kingsbury Creek. Most of the structures were built back in the 30's and 40's including the existing picnic pavilion. Staff finds that the standards of the variance have been met as there are site difficulties. Staff finds that the standards for a variance have been met and the Land Use Supervisor shall review and approve the proposed site plan with Best Management Practices incorporated as noted in staffs report prior to the issuance of a building permit.

MOTION/Second: Vigen/Sydow to **Approve** the Variance from Natural Resources Overlay Shoreland Stream Setback (Coldwater River) from 150' feet to 100' feet at 7210 Freemont Street by Arrowhead Zoological Society with the following conditions: That the applicant provide a detailed site plan depicting the proposed Best Management Practices, including the number of significant trees removed, number and location of tree's/species to be replaced, rain gardens and grassy swales, detention properties and the use of native grasses that have a better rain absorption and erosion control functions than turf. The Land Use Supervisor shall review and approve the site plan prior to the issuance of a building permit.

VOTE: Unanimous (8-0)

- C. FN 11-116 – Variance from Natural Resources Overlay Shoreland Stream Setback (Coldwater River) from 150' to 75' feet for 42 lots within Hawk Ridge Estates and Hawk Ridge Estates First Addition by the Housing Authority of Duluth.

The applicant is asking for a variance from the 150' cold water creek (Amity Creek) setback to a setback of 75'. The properties are zoned R1. The variance would allow for more buildable area on affected parcels. Hawk's Ridge Estates was approved in 2004 and incorporated storm water controls during the platting process. Staff finds the variance has been met and recommends the Planning Commission approve the requested variance.

Public: Alex Eglinton, 5121 Woodlawn Street. Mr. Eglinton questions the line on the map he received in the mail for this area. Kelley stated that that line just represents the boundary of Hawk Ridge Estates. Mr. Eglinton just wanted to verify that his land is clear. He found Hawk Ridge Estates are good neighbors.

Jean Cranston, 2906 N 52nd Avenue. She lives on 52nd Avenue and wanted to show how this has affected them. It is an environmentally friendly community. They were going to build a deck and they were told because of the new regulations that they now could not build it. If it is changed to 75' then they would be able to proceed.

Mindy Granley, 2910 N 52nd Avenue E. She is just North of the Cranstons. Thank you to the planning staff as she does support this variance. She has seen the impact of keeping the building area small. This is a good neighborhood and it continues to grow.

Guggenbuehl/Vigen to continue the discussion .

Discussion: Holappa asked what is the staff's response by the letter that came by email to them today? Petkac stated that they appreciate the comments. The developer had platted and designed these lots before the streams were regulated. They are trying to be environmentally sensitive and reduce storm water runoff. Guggenbuehl supports the variance request but his concern is that 10 years from now they may no longer continue to be as environmentally aware.

MOTION/Second Guggenbuehl/Vigen to **Approve** the Variance.

VOTE: Unanimous (8-0)

- IV. Consideration of Minutes – September 13, 2011. Rand/Sarvela to Approve the minutes.
- V. Communications

- VI. Old Business
- VII. Reports of Officers and Committees
Historic Preservation – They have a Contract to do a Historic Survey on the East End.
Education Subcommittee: Give Rand or Guggenbuehl ideas for a Brown Bag.
- VIII. New Business: Petkac stated that the administration had reconsidered the city's position for the Cell Tower. They are amending that application and will bring it back to the Planning Commission. This is for the ATT Cell tower that the commission had approved on Jean Duluth Road. They are considering a Special Meeting for this on October 25. We should have a quorum on this.
- Digby stated that he will not be there – with a show of hands - we should have a quorum for this. Digby added that the Parks Department released the updated Trails Master Plan.
- IX. Adjournment. The meeting was adjourned at 5:35 pm.

Respectfully,



Cindy Petkac, AICP
Planning Manager