



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
Minutes of April 12, 2011
City Council Chambers, City Hall

I. President Digby has called a meeting of the City Planning Commission for 5 p.m., Tuesday, April 12, 2011 in the City Council Chambers.

II. Roll Call:

Members Present: Drew Digby, Terry Guggenbuehl, Frank Holappa, Heather Rand, Luke Sydow and John Vigen.

Members Excused: Henry Banks, Rebecca Covington and David Sarvela

Staff Present: Kyle Deming, John Judd, John Kelley, Alison Lutterman, Cindy Petkac, Steven Robertson, Nancy Spooner-Mueller, and Edna Ulrich

MOTION/Second: Vigen/Rand to **Move** New Business to the top of the Agenda.

Vote: Unanimous 6-0

VIII. New Business

A. FN 11-044 – Re-conveyance of Outlot 4 at the Corner of Spring St. and E Penton Blvd in Riverside. SR

Staff: Robertson stated that these were lots that were platted and are now tax forfeited. We have land that was set aside for parks, recreation and utility use. The public will have no loss of use on this property.

MOTION/Second: Guggenbuehl/Rand to **Recommend Approval** for the Re-conveyance of Outlot 4 at the Corner of Spring St and E Penton Blvd in Riverside.

Vote: Unanimous 6-0

B. FN 11-045 - Free Conveyance of Outlot 4 at Corner of Spring St and E Penton Blvd in Riverside. SR

Staff: Robertson explained that this goes to the Parks and then to the Planning Commission. This is exclusively for park, recreation and utility use. Again, the public will have no loss of use.

MOTION/Second: Sydow/Holappa to **Recommend Approval** for the Free Conveyance of Outlot 4 at the Corner of Spring St and E Penton Blvd in Riverside for park, recreation, and utility purposes.

Vote: Unanimous 6-0

III. Public Hearings

- A. FN 11-028 – Zoning Map Amendment from MU—N and MU-B to Form Districts F-2 and F-4 in the Plaza/London Road area by the City of Duluth.

Staff: (Holappa abstained from the discussion) Judd explained that the form based district came from our Comprehensive Plan and the development of the UDC. There were several different ideas for this area with discussion focusing on where F2 or F4 form was most appropriate. F4 allows a higher height limit and density while F2 has a the lower height limit and lower density. This was presented at a public meeting at the First Lutheran Church and then at City Hall. They had looked at three different proposals for the area, the UDC consultants, the Duluth East Downtown, Hillside and Waterfront Charrette Committee and Planning Staff . The best aspects of those recommendations were incorporated into this proposal which is the recommendation that we are presenting tonight.

MOTION/Second: Rand/Guggenbuehl to **Recommend Approval** for the Zoning Map Amendment from MU-N and MU-B to form districts F-2 and F-4 in the Plaza/London Road Area by the City of Duluth.
Vote: 5-0 (Holappa abstained)

- B. FN 11-032 – Comprehensive Plan Map Amendment from Institutional to General Mixed Use at Morgan Park School by the City of Duluth. SR

Staff: Robertson stated that this is to amend our comprehensive plan. The Morgan Park School will cease to be a school. We want to amend our Comprehensive Plan to be able to have options for this area. Morgan Park will cease to be a high school and we want to amend the plan for future options. Their recommendation is to amend this to general mixed use and in the future to talk about rezoning. The recommendation is to approve this with no conditions.

Staff: Chuck Froseth. Froseth stated that they had public meetings in June and in March. There are a lot of options for the use of this property.

Public: Debbie Nelson. She is the coordinator of the property. It means a lot to them to be involved in the process.

MOTION/Second: Vigen/Holappa to **Recommend Approval** for the Comprehensive Plan Map Amendment from Institutional to General Mixed Use at the Morgan Park School by the City of Duluth.
Vote: Unanimous 6-0

- C. FN 11-031 – Variance to allow reconstruction of a non-conforming building at 7437 E Superior St by Meghan Schmidt and Lorinda Endres. KD

Staff: Deming stated that this is a variance request for a landowner to reuse the foundation of a house that had burned last year. When more than 50% of a house's value has been destroyed, they need to meet the current code and set back requirements. A variance may be granted for the reconstruction of the building and for the enjoyment of the property. There was a structural valuation of the existing foundation and it is entirely satisfactory for re-use. A variance should be granted to allow reconstruction of a home on the existing foundation according to the findings listed above.

Applicant: Megan Schmidts. She is one of the homeowners and asks for approval on this. Their family has been there since the 1920's and they want to rebuild to get into their home again.

Public: Jack Lamay-7435 E Superior St. - He lives in the house next door. He doesn't see any problem with them rebuilding their house.

MOTION/Second: Holappa/Rand to **Approve** the variance to allow reconstruction of a non-conforming building at 7437 E Superior St by Meghan Schmidt and Lorinda Endres.

Vote: Unanimous 6-0

- D. FN 11-035 – Variance to allow parking in front yard at the corner of Pecan Avenue and Rice Lake Road by the Miller-Dwan Foundation. KD

Staff: This is a variance to allow a front yard parking variance which does not require a hardship. A variance may be granted on a corner or non-corner lot where the parking area is of sufficient space to not exceed 30% of the front yard. The applicant did the calculation and it is at 29.5% with the arrangement shown in the staff report. Staff recommends approval and that the Land Use Manager approve any additional changes.

Applicant: Mark Pilon. This item and the next two items are theirs. They agree with the recommendation.

MOTION/Second: Rand/Vigen to **Approve** the Variance to allow parking in front yard at the corner of Pecan Avenue and Rice Lake Road by the Miller-Dwan Foundation **With the Following Conditions:**

1. That the parking and driveways be limited to, constructed, and maintained in accordance with the Preliminary Grading Plan for Amberwing produced by SEH, dated 02/25/2011, and received by the City on 3/01/2011; and 2. That the applicant obtain all required City, State, and Federal permits and approvals for the project; and 3. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Planning Manager without further action by the Planning Commission.

Vote: Unanimous 6-0

- E. FN 11-033 – Street Vacation of Davis Street and Kentucky Avenue at the corner of Pecan and Rice Lake Road by the Miller-Dwan Foundation. SR

This is a vacation of a public right of way. They look at uselessness to vacate a right of way. This is an appropriate one to vacate. Staff recommends approval with no conditions. Digby asked about the area for the vacation and Robertson pointed out the areas to be vacated. Sydow asked if they would vacate the road all the way through? Robertson stated in this case staff asked to approve as presented.

MOTION/Second: Rand/Guggenbuehl to **Recommend Approval** for the Street Vacation of Davis Street and Kentucky Avenue at the corner of Pecan and Rice Lake Road by the Miller-Dwan Foundation.

Vote: Unanimous 6-0

- F. FN 11029 – Special Use Permit to allow a Day Care in RR-1 at the corner of Pecan Avenue and Rice Lake Road by the Miller-Dwan Foundation. SR

Staff: Robertson stated that this is a special use permit due to the zoning here. When reviewing the application, they had reviewed the site plan and how it fits into the community. He received a letter of support from an adjacent property owner. Staff stated that any alterations that are not significant may be approved by the Land Use Manager. Holappa asked about the approval and Petkac stated that this references the landscape plan that has not been provided yet and that any major modifications would go back to the commission for approval. Sydow asked if they are limited to the road that is there.

Applicant: Mark Pilon and Robert Fern, Architect. They are still working on getting the handicapped parking in front of the building and currently looking how to integrate parking in the lower area.

MOTION/Second: Holappa/Rand to **Approve** the Special Use Permit to allow a Day Care in RR-1 at the corner of Pecan Avenue and Rice Lake Road **With the Following Conditions:** 1. The project be limited to, constructed, and maintained according to the documents drawn by John Ivy Thomas Associates, Inc Architects dated March 1, 2011. 2. Engineering and Building Official approvals of the sign permit, storm water permit and erosion controls pursuant to Sec. 50-37.13. 3. Any other alteration to the approval plans that do not alter major elements of the plan may be approved by the Planning Manager without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50

Vote: Unanimous 5-0

- G. FN 11-026 –UDC Zoning Map Amendment at the Upper Side of East 2nd Street between 10th and 11th Avenue East (1001 to 1025 East Second Street) from R-2 to MU-I by St. Luke’s Hospital. SR

This rezoning is part of the St. Luke’s improvement project. Our Comprehensive Plan had this as medical use. In the past you have seen the tentative plans for their overall vision. They are trying to have a temporary construction yard. Our ordinance has a nine day limit and they may come back for this again for a longer use. Staff recommends approval from the Planning Commission for City Council approval. Sydow asked about the screening and what kind of fencing there will be. Robertson stated that this would be on the next agenda as this is just for the rezoning.

Applicant: Ron Franzen- St. Luke’s Hospital. Franzen stated that this is another piece of this plan. They will be coming back next month with a SUP for a lay down area for construction and then to have a temporary parking for their employees. There will be three levels of parking and they have a tentative plan for that.

Bob Berg, Vice President of Duluth Preservation Alliance. He is here on his own behalf and wants to mention that he often gives tours of Old Duluth to see our city’s character. They hope that St. Luke’s will be looking at properties in a more sensitive way.

MOTION/Second: Holappa/Rand to **Recommend Approval** for the Zoning Map Amendment at the Upper side of East 2nd Street between 10th and 11th Ave E (1001 to 1025 E Second St) from R-2 to MU-I by St. Luke’s Hospital.

Vote: Unanimous 6-0

- IV. Consideration of Minutes – March 8, 2011. Motion/Second to approve the minutes as amended by Commissioner Vigen, second by Rand.

- V. Communications

On March 6, Rand received a letter from a concerned citizen for a small area plan for Spring Street. The Letter had copied Mayor Ness and Marnie from the fire department regarding the Riverside Community. Petkac said that she had not yet seen the letter and stated that they have identified three small area plans going forward in the next two years but Riverside is not one of them.

- VI. Old Business

- VII. Reports of Officer and Committees

- A. Duluth Historic Preservation Commission

Digby stated that they had their first round with the Orpheum Theatre. There will be some issues coming up with the city. They have not yet decided if they are refurbishing one theatre or two. The other issue will be what historic period they want to preserve as there have been many changes to the building over the years.

IX. Other Business

Digby stated that we have two committees to populate – education and tax forfeit lands. Education is in charge of Brown Bags. Rand and Guggenbuehl have volunteered for this committee.

The Tax Forfeit land committee would have 2 or 3 meetings to review the lists that they receive. Sydow volunteered for this committee. Rand stated that they really should have at least three people on this committee and was wondering if they would we see long lists as in the past? Petkac said that they respond to the lists that they get from the County Land Department and there have been changes to the Tax Forfeit lands. Petkac stated that this is actually the responsibility of Property Management. Tim Howard and Business Development have been going over the property lists and checking that it is following the use that was intended for the property. There are requirements that if the property has a use deed, we need to ensure that it is being used for that particular use.

Vigen stated that there is a City committee working with Mark McShane and Tim Howard. Vigen serves on this committee. They will have recommendations completed by the end of the year on what should be done with the land. Duluth has a lot of tax forfeit land and they need to determine whether a tract of land should go for sale, held in a trust, or for another purpose.

X. Adjournment. Motion/Second Guggenbuehl/Holappa to adjourn. President Digby adjourned the meeting at 6:12 pm.

Respectfully,



Cindy Petkac, AICP
Planning Manager
CP:eu