

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

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City of Duluth
Planning Commission
October 8, 2013 Meeting Minutes
City Council Chambers - Duluth City Hall

I. Call to Order

Président Terry Guggenbuehl called to order the meeting of the City Planning Commission at 5:00 pm on Tuesday, October 8, 2013, in the City Council Chambers.

Roll Call

Attending: Marc Beeman, Drew Digby, Terry Guggenbuehl, Patricia Mullins, David Sarvela, Luke Sydow and Zandra Zwiebel

Absent: Tim Meyer and Garner Moffat (Excused)

Staff Present: Charles Froseth, Steven Robertson, Jenn Reed Moses, Nate LaCoursiere and Cindy Stafford

II. Public Hearings

A. **PL 13-117** UDC Zoning Map Amendment to Rezone from Residential-Traditional (R-1) to Mixed Use-Business (MU-B) and Residential-Urban (R-2) at 800 East Central Entrance (Duluth Central High School) by ISD 709.

Staff: Jenn Reed Moses introduces the School District's plan to rezone the property from R-1 to R-2 and MU-B to allow for future development on the site. Staff recommends approval based on the findings in the staff report.

Applicant: Kerry Leider, Property manager for Duluth Public Schools addresses the Commission. The school board believes moving along with the rezoning process will be more inviting to possible developers. He asks if there are questions. Luke Sydow asks about the trail/bike easement. Leider feels additional dedication will be allowed. Drew Digby notes item number 6 in the staff report and asks about the green space. Leider notes the topography will limit development including a creek.

Public: Gary Kolojeski addresses the Commission. He lives on Blackman Avenue and is concerned with the (R-1) buffer, and asks for the specific footage. Reed Moses notes the distance is 1 ½ lots and/or approximately 150 feet. Kolojeski asks why it's divided into half a lot. Leider states the half is due to grading issues. He states the extra half is an additional buffer.

Paul Helstrom addresses the Commission. He lives on 12th St. and owns adjacent lots. He didn't see schools listed in the MU-B zoning and is concerned that it could restrict a new school going in. Reed Moses confirms schools aren't allowed in MU-B districts. She states the intent of the business park is to promote office and light industrial; however, property could be a candidate for future rezoning to Mixed Use - Plan district which does allow schools.

Commissioners: Patricia Mullins clarifies future zoning. Reed Moses states you can't directly zone to MU-P from R-1, so changing the zoning now to MU-B and R-2 leaves open future possibilities for direct conversion. Chair Guggenbuehl notes in MU-P the Commission would have a future input in site design. Digby wants to give

the school some flexibility, but notes MU-B would not require further review from the Planning Commission. He is concerned about preserving the green space.

MOTION/Second: Digby/Zwiebel recommend approval as per staff's recommendation.

VOTE: (7-0)

- B. **PL 13-118** Interim Use Permit for Vacation Dwelling Unit at 123 Chester Way by Katherine Hanten.

Staff: Jenn Reed Moses introduces the applicant's request for an Interim Use Permit for one vacation dwelling unit with three bedrooms. Two off-street parking spaces are required. There is ample room for parking in the garage and additional parking in the driveway. The applicant lives near the site and will be the property manager. Staff recommends approval as based on conditions listed in the staff report. Digby asks if there is a current rental license on the property. Reed Moses states there is currently a rental license, but her main goal is to use as a vacation dwelling.

Applicant: Katherine Hanten addresses the Commission. She bought the house in 2007. She received a rental license last year, and has positive feedback from renters and would like to use as a vacation dwelling.

Public: Viola Adams is a neighbor who lives at 115 Lyon Street. She is concerned with the traffic and other rentals in the area.

Commissioners: N/A

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

VOTE: (7-0)

- C. **PL 13-119** Amend an Approved Regulating Plan for Ramsey Village to Allow for Different Building Types at the Northwest Corner of Ramsey Street and North 54th Avenue West by Ken Talle.

Staff: Steven Robertson introduces the applicant's wish to amend an approved regulating plan to change the approved building types for an undeveloped parcel. Any amendment to the Regulating Plan that involves changes to land use, density, or height is required to follow the rezoning process and receive approval from the City Council. The approved regulating plan calls for an eight unit apartment on one end of the parcel and one or two family dwellings on the other end of the parcel. The applicant is proposing three four-unit apartments.

Applicant: Ken Talle addresses the Commission. He feels the change will be a benefit to the neighborhood. Paul Struther, architect, addresses the Commission and refers to the map. He feels the four-plex offers more interest to the street view. He asks if there are any questions.

Public: Tim Leland addresses the Commission. He owns property/body shop to the North of the site. He supports the development.

Warren Blodgett lives at 406 N.54th Ave. W. He is concerned with parking issues.

Commissioners: Marc Beeman asks about the parking situation. The applicant states there will not be more than 4 people per unit and states the garage parking is ample. Per Robertson the proposed parking does indeed meet the UDC requirements.

MOTION/Second: Zwiebel/Sarvela recommend approval as per staff's recommendation.

VOTE: (7-0)

- D. **PL 13-121** Amend an Approved Regulating Plan for Bayhill Cove to Reduce the Number of Building Sites by Charlie Bell.

Staff: Steven Robertson introduces the applicant's wish to amend an approved regulating plan to reduce the number of approved building sites from 15 to 14.

Applicant: Charlie Bell addresses The Commission. He doesn't feel a sidewalk would be logical. Zandra Zwiebel asks about the footprint. Bell states it will be the same. Digby asks staff the relevance of the sidewalk issue to this particular change. Robertson states when discussed in 2008 it may have been a miscommunication. Digby notes the added condition in 2008 should have been enforced. The desire of the sidewalk to be included is still there.

Public: No speakers.

Commissioners: David Sarvela is aware of the sidewalk issue and agrees it should be addressed.

MOTION/Second: Sarvela/Beeman recommend approval as per staff's recommendation.

VOTE: (7-0)

- E. **PL 13-116** Variance from Front Yard Setback Requirements at 201 West Winona Street by Patricia McQuade.

Staff: Steven Robertson introduces the applicant's request for a variance to construct a new detached accessory structure. Staff recommends denial of the request due to no practical difficulty and no special circumstances that create the need for relief.

Applicant: Patricia McQuade addresses the Commission. She is retired and has financial considerations. She feels the storm runoff issue creates a hardship.

Public: No speakers.

Commissioners: Digby feels the topography challenge is a valid concern. Mullins asks Robertson why the letters including one from City Engineering aren't sufficient. Per Robertson, storm water control didn't factor into the zoning requirements. Nate LaCoursiere, City Attorney, addresses the Commission. The variance standard should be clearly understood across the board and notes practical difficulty. He read the statute to the Commission. Zandra Zwiebel saw the site on the way in and doesn't feel it will change the character of the locality and notes it already has a slab. Digby asks legal counsel if there are more definitions of practical difficulty, or if it's more of a judgement call. LaCoursiere states it's laid out in the statute. There is additional case law, but feels the statute is the guide and notes that any conditions need to be reasonable. Sydow feels the addition of a rain garden should be a condition.

MOTION/Second: Digby/Beeman approved the variance due to extraordinary hardship in regards to topography and storm water issues. He amended the motion to include the conditions for a reasonably sized rain garden sufficient for new impervious areas be added and applicant must obtain a letter of approval from City storm water staff.

VOTE: (7-0)

- F. **PL 13-122** Variance from Front Yard Setback Requirements at 6303 West Skyline Parkway by Mitchell Marchand.

Staff: Steven Robertson introduces applicant's wish for a variance to replace a deck that provides access to a patio door at the front of the home. The deck was completely removed; zoning requires that all new structures and additions conform to the rules and regulations in place at the time of construction. Staff feels the

request for a deck is reasonable and the practical difficulty has been met. Staff recommends approval.

Applicant: Mitchell Marchand addresses the Commission and states the proposed changes are for accessible access which will accommodate his 77 year old mother-in-law.

Public: No speakers.

Commissioners: N/A

MOTION/Second: Sydow/Zwiebel approved as per staff's recommendation.

VOTE: (7-0)

- G. **PL 13-124** Variance from Front and Side Yard Setback Requirements at 817 North 40th Avenue West by Desiree Menuey.

Staff: Steven Robertson introduces the applicant's request for a variance to replace the existing dirt crawl space with a full basement. Staff finds the standard for the variance has been met and recommends approval for the variance to allow the property owner to increase the height of the structure by three feet.

Applicant: Desiree Menuey addresses the Commission. The house was built in 1920. Due to flood issues she needs to cement her basement to prevent further flood damage.

Public: No speakers.

Commissioners: N/A

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

VOTE: (7-0)

III. Consideration of minutes

September 10, 2013

MOTION/Second: Digby/Mullins

VOTE: (7-0)

September 20, 2013 (Special Brown Bag Meeting at Bluestone Commons)

MOTION/Second: Zweibel/Beeman

VOTE: (7-0)

IV. Communications

- A. Managers' Report – Chuck Froseth addresses the Commission and gives an update. He notes the public hearing for the Superior Street project on October 22, 2013.

V. Reports of Officers and Committees

- A. Tax Forfeit Committee – Steven Robertson notes the five parcels of land proposed for sale by the St. Louis County Land and Minerals Department.

MOTION/Second: Mullins/Zwiebel the proposed land sale is not contested.

VOTE: (7-0)

- B. Comments on HPC Meeting – Mullins notes the reuse of churches and the upcoming nomination by the Committee of St. Peters Church for local landmark status.

VI. Other Business

- A. Discussion on UDC Changes. Steven Robertson notes two changes. The DNR wants changes on the City's flood plain management rules, as well as storm water rules. Steven proposes this will take place in February or March. The second change

(slated for December) will be small modifications to make the code easier to read, including planning review language.

- B. Note: Change of Location for November 12, 2013 PC Meeting, which will be held in Room 303, instead of the Council Chambers.
- C. New: Sale of Park Land. Froseth addresses the Commission. He notes the Planning Commission has to review the State sale of City park land to adjoining property owners.

PL 13-133 (Opack). They have a well and septic system on city land. Digby asks when the house was built. Per Froseth it was built prior to the 50's. Sydow asks if the funds can go directly to the parks fund. Per Robertson it will go into the general fund.

MOTION/Second: Beeman/Mullins recommend approval of the sale.

VOTE: (7-0)

PL 13-132 (Senich). Western Waterfront Trail is physically on the property, and is not a buildable lot. Sydow is concerned an eight foot easement to maintain an eight foot trail may not be feasible. Senich addresses the Commission. He feels the easement for the trail would remain in effect. Robertson feels an eight foot easement is atypical. He notes that 20, 40 even 50 feet easement for a trail is not abnormal. The Parks Commission did not clarify a measure for the easement. Sydow asks about the development of the shoreline. The applicant is not interested in building on the shoreline and feels it is not buildable. He owns a floating dock which can be moved.

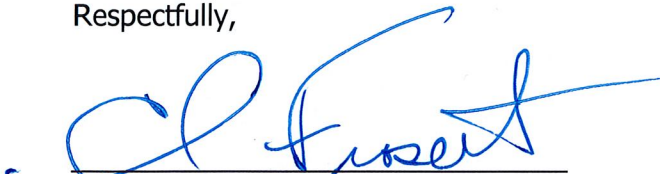
MOTION/Second: Sydow/Digby recommend to table until next month for additional information related to the trail easement specifics.

VOTE: (6-0, Zwiebel Absent)

VII. Adjournment

Meeting adjourned at 7:10.

Respectfully,



Charles Froseth, Land Use Supervisor