

City of Duluth
Planning Commission
May 24, 2016 Special Meeting Minutes
Council Chambers - Duluth City Hall

I. Call to Order

President Zandra Zwiebel called to order the meeting of the city planning commission at 5:04 p.m. on Tuesday, May 24, 2016, in city hall council chambers.

Roll Call

Attending: Marc Beeman, Terry Guggenbuehl, Janet Kennedy, Tim Meyer, Garner Moffat, Mike Schraepfer, Luke Sydow and Zandra Zwiebel

Absent: N/A

Staff Present: Keith Hamre, John Kelley, Jenn Reed Moses, Chris Lee, Steven Robertson and Cindy Stafford

II. Public Hearings

- A. PL 16-038 UDC Rezoning for Quarry Park from I-G and RR-1, to P-1, Parks and Open Space by the City of Duluth

Staff: John Kelley introduces the city's proposal to rezone city owned property to be park land known as Quarry Park from the current zoning districts of Rural-Residential (RR-1) and Industrial- General (I-G) to Park and Open Space (P-1). Staff recommends approval with the conditions listed in the staff report.

Applicant: N/A

Public: N/A

Commissioners: N/A

MOTION/Second: Guggenbuehl/Moffat recommend approval as per staff's recommendations.

VOTE: (8-0)

- B. PL 16-022 Vacation of Utility Easement at 9512 Congdon Boulevard by Elizabeth Jeronimus Estate and David Jeronimus

Staff: Chris Lee introduces the applicant's proposal for a vacation of an undeveloped utility easement. The undeveloped utility easement is ten feet wide and 180 feet long. The area to be vacated is approximately 1,800 square feet. Staff recommends approval with no conditions.

Applicant: N/A

Public: N/A

Commissioners: N/A

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

VOTE: (8-0)

- C. PL 16-033 Variance from Shoreland Rules by Kevin Cornwell and Mary Ziegler at 414 Maryland Avenue

Staff: Chris Lee introduces the applicants' proposal for a variance from the shoreland regulations. The applicant is looking to construct a 11' x 16' deck off the SW corner of their home. The deck will be approximately 35 feet from Tischer Creek. One public comment was received by a neighbor, who is in support of the variance. Staff

recommends approval with the two conditions listed in the staff report. Janet Kennedy asks if this is a new homeowner. They owned the home since 2012.

Applicant: Kevin Cornwell (and Mary Ziegler) addresses the commission. He asks if they had any questions. There were none.

Public: Linda Ross-Sellner - 402 W. Arrowhead Rd. – addresses the commission. She mentions a power line which runs parallel to the property. The trees have been effected by trimming by Minnesota Power. She wants to make sure there is proper buffering followed in regards to the new deck.

Commissioners: Kennedy questions staff discussion number 7 in the staff report. Per Lee – a 35 foot buffer will be required. Director Keith Hamre asks the applicant if he would be willing to add trees. The applicant notes the landscape architect is the expert and they think any landscaping/rain gardens and bushes will be an improvement. Kennedy would like to add an amendment for added vegetation. Terry Guggenbuehl notes the first staff recommendation and feels trees, shrubs and native plants along the entire width of the deck will be sufficient. Garner Moffat is also in agreement. Tim Meyer questions how specific they need to be.

MOTION/Second: Moffat/Kennedy approved as per staff's recommendations as per the mitigation plans submitted.

VOTE: (8-0)

(Luke Sydow exits the council chambers and will recuse himself for the next two items.)

- D. PL 16-036 Mixed Use Commercial (MU-C) Planning Review for Commercial Development at 1734 Mall Drive by NCD Duluth SC, LLC

Staff: Steven Robertson introduces the applicant's proposal for renovation of the existing building and parking lot, including demolition of garden center, filling in former auto service doors, addition of thrive-through canopy for Savers, and pedestrian sidewalks and landscaping in parking lot. Proposed building will retain the same footprint, with 106,678 square feet. Staff recommends the planning commission approve the application for renovations to Village Mall with the six conditions listed in the staff report. Robertson noted staff would like to add a 7th condition that either a small bond and/or a certificate of occupancy not be issued until landscaping is done as per approved in the plan. Moffat asks about stormwater management. Director Hamre states additional stormwater will be added to the site. They will eventually remove the box culverts. A tree canopy will also act as a coolant.

Applicant: Alison Kern of NLD Holdings addresses the commission and they look forward to working with the city of Duluth. Guggenbuehl asks about snow removal. Will there be on-site storage? Kern notes there will be short term storage on South side of building. They plan to truck it off site.

Public: Linda Ross-Sellner – 402 Arrowhead Rd. – addresses the commission. She sees this site plan as an improvement. She is concerned about snow storage and the salt content which is left behind. She is also concerned about the location of the tree planting and feels the trees should be by the creek and not within the pavement, because conditions are challenging for the trees to survive.

Commissioners: Chair Zwiebel notes the trees and states evaporated water can benefit the stormwater system.

MOTION/Second: Meyer/Beeman approved as per staff's recommendations.

VOTE: (7-0, Sydow Abstained)

- E. PL 16-037 Minor Subdivision at 1734 Mall Drive by NCD Duluth SC, LLC
Staff: Steven Robertson introduces the applicant's proposal for a minor subdivision from lot to three lots. Staff recommends the planning commission approve the minor subdivision with the two conditions listed in the staff report.
Applicant: N/A
Public: N/A
Commissioners: N/A
MOTION/Second: Guggenbuehl/Moffat approved as per staff's recommendations.

VOTE: (7-0, Sydow Abstained)

- F. PL 16-013 Special Use Permit for a High School in an Residential-Rural 1 (RR-1) Zone District at 4300 Rice Lake Road by Pacific Education Partners (Duluth Edison Charter School) and David Chmielewski
As of 5/23/16, the applicant has withdrawn applications PL 16-013, -014, 015 and 029. The Applicant may submit new applications in the future.
- G. PL 16-014 Variance from Maximum Off-Space Parking Requirements Per UDC 50-24.2 at 4300 Rice Lake Road by Pacific Education Partners (Duluth Edison Charter School) and David Chmielewski
As of 5/23/16, the applicant has withdrawn applications PL 16-013, -014, 015 and 029. The Applicant may submit new applications in the future.
- H. PL 16-015 Variance from Front Yard Parking Per UDC 50-24.6 at 4300 Rice Lake Road by Pacific Education Partners (Duluth Edison Charter School) and David Chmielewski
As of 5/23/16, the applicant has withdrawn applications PL 16-013, -014, 015 and 029. The Applicant may submit new applications in the future.
- I. PL 16-029 Variance from Height Limit in Residential-Rural1 (RR-1) Zone at 4300 Rice Lake Road by Pacific Education Partners (Duluth Edison Charter School) and David Chmielewski
As of 5/23/16, the applicant has withdrawn applications PL 16-013, -014, 015 and 029. The Applicant may submit new applications in the future.

(Sydow Re-enters Council Chambers)

- J. PL 16-031 UDC Text Amendments (Tabled from April 12 For Additional Discussion)
-50-15.2, -15.3, and -15.5 MU-N, MU-C, and MU-B Zoning Districts
-50-18.1.D Shoreland
-50-20.3 Commercial Uses
-50-20.7 Adaptive Reuse of a Local Historic Landmark
-50-21.3 Exceptions and Encroachments
-50-22.4 Cap Type
-50-23.2 Connectivity
-50-24.2 Required Parking Spaces
-50-25.2 Landscaping
-50-27.3 and -27.7 Signs

- 50-29 Sustainability
- 50-32 International Property Maintenance Code
- 50-37.9 Variance Standards

Staff: Steven Robertson introduces the city's proposal for text amendment changes. Section 50-32 city attorney Nate LaCoursiere suggested adding the word "Housing" to the verbiage. Also, on page 7 of the permitted use table, they would like to add Manufacturing, craft, brewery or distillery to the I-G category. Staff recommends approval and/or asks for commissioner's feedback.

Applicant: N/A

Public: Jim Shoberg – project coordinate for parks and rec department – addresses the commission. He recommends trees planted in islands or compacted soil should be accommodated by loosening soil to 3-4 feet and increase perimeter.

Commissioners: 50-15.2. 15.3 15.5 Sydow notes the height of buildings in a residential neighborhood. Robertson states in mixed use neighborhoods they wanted to make it more consistent across the board. Director Hamre suggests requiring no more than a third of the building be stair-stepped. Developers are looking for guidelines. Sydow notes the scale for proportion from street view. He would like for staff to look into it more. Director Hamre states staff can give them alternatives next time. Sydow would like to see it across the and offer it as an option/added bonus to go an extra floor. 50-20.3 – downtown businesses additional uses for their basement level. Moffat doesn't want to see storage on the store front level. Guggenbuehl thinks it will be beneficial to condos. Meyer ask if there is a current example. Per Robertson, no. 50-20.7 – addition of allowed use in R-P district. 50-21.3 (exceptions and encroachments) – Per Robertson, primarily grammatical changes. 50-22.4 Cap types – more of correction. 50-23.2 (connectivity); 50-24.2 Required parking spaces; 50-25.2 (landscaping) – Sydow air pot containers/change the wording from an average minimum to take out average and just add minimum caliper of 1.5 inches. Add a condition to soil conditions. 50-27.2 (Enforcement) – 10 days. 50-29 (sustainability). For next time Moffat requests High School Parking issue be split off from other changes, so he can vote against. Moffat asks about other forms of vegetation versus just trees.

MOTION/Second: Sydow/Beeman Table until Next regular meeting for changes as discussed above.

VOTE: (8-0)

III. Other Business

A. Determination of Completeness of Draft Spirit Mountain Recreation Area Environmental Assessment Worksheet

Staff: Kyle Deming gives an overview. The EAW was submitted by the city of Duluth's Parks and Recreation Department for 2016-2017 improvements at the spirit mountain recreation area. Guggenbuehl notes the comment on page 10 which states it is not known at this time if there will be trails constructed to link holes together or if they will mow a path. Deming will get clarification. Guggenbuehl notes page 34 (visual) and asks for identification of where trees can be planted. Marc Beeman asks what the red squares are. Deming states they represent tee pads for the disc golf course. Sydow suggests they identify the horse trails. Deming if the commission sees this EAW is sufficient with the additional changes for completeness, the EAW will be distributed to the EQB's and will be placed for a 30-day comment period. July 12, the planning commission will review the responses and comments and make a decision on the need for an Environmental Impact Statement.

Applicant: N/A

Public: N/A

Commissioners:

MOTION/Second: Guggenbuehl/Sydow the draft EAW is sufficient with changes made tonight to forward to the public.

VOTE: (8-0)

- B. Update on Tax Forfeit Committee Meeting and Tax Forfeit Parcels (List Printed Dec 2, 2015) – Director Hamre summarizes the list. Beeman asks why there aren't addresses listed. Per Hamre, the state references the properties with parcel id #'s. Tax Forfeit status is realized when the property owner has not paid their taxes for 3 years. Then the owner has 6 months to redeem. Director Hamre states these properties will go up for sale after it is appraised which takes about 6 – 12 months. The list is not outside of the 6 month redemption period.

MOTION/Second: Moffat/Meyer agree with the recommendations of Director Keith Hamre.

VOTE: (8-0)

IV. Communications

- A. Manager's Report – Director Hamre gives an overview of his report. Community outreach will be talking about the guiding principles for the comprehensive plan. A ten-question survey will be on the city website available next week. He would like to see the commissioners participate in focus groups. Every 3rd pc meeting an update will be presented. Guggenbuehl mentions Historic Preservation and the HPC should be involved, too. The flow chart will be available on the website.

- B. Consideration of Minutes - April 12, 2016

MOTION/Second: Meyer/Beeman approved the minutes

VOTE: (8-0)

- C. Reports of Officers and Committees

-Heritage Preservation Commission Representative, Guggenbuehl gives an overview. There wasn't a quorum at their last meeting, but they will be submitting an application for Lincoln Park to designate it for local landmark status.

- D. Meeting adjourned at 7:36 p.m.

Respectfully,



Adam Fulton - Manager
Community Planning Division