

City of Duluth
Planning Commission
February 13, 2018 Meeting Minutes
Council Chambers - Duluth City Hall

1. Call to Order

President Michael Schraepfer called to order the meeting of the city planning commission at 4:30 p.m. on Tuesday, February 13, 2018, in city hall council chambers.

Roll Call

Attending: Terry Guggenbuehl, Janet Kennedy, Tim Meyer, Garner Moffat, Margie Nelson, Michael Schraepfer, Luke Sydow, Heather Wright Wendel, and Zandra Zwiebel
Absent: N/A

Staff Present: Keith Hamre, Adam Fulton, Robert Asleson, Steven Robertson, Kyle Deming, and Cindy Stafford

2. Imagine Duluth 2035 Comprehensive Plan Governing Strategies

<http://www.imagineduluth.com/document>

Staff: Director Keith Hamre gives an overview. There were 7 engagement meetings around the city. The meetings discussed policies, strategies and implementation steps. Manager Adam Fulton addresses the commission and explains the map land use changes. Page 14 Magney/Snively and Becks Rd.; Becks Road has potential for use as a business park. At the intersection of I-35 and Boundary by Proctor there is a possibility for preservation across the highway. Page 15; the Irving/Fairmount brown fields - considering adding some residential areas. The intent is to revitalize the neighborhood for redevelopment. Page 16; Enger parcel is currently recreation area. It could be considered for residential development. Lot D is currently designated commercial waterfront, but could be modified to include tourism and entertainment. 6th Ave. E corridor is predominately tradition neighborhood modify to neighborhood mixed-use with the intent of revitalizing the area. Boulder Ridge off of Rice Lake Road is a former shooting range site. Change from preservation/industrial to urban residential. Page 17; Glenwood North site property owner change from preservation to urban residential. Any development would need to take into account the skyline overlay. Snow white on Oxford is designated traditional neighborhood. Could allow for neighborhood mixed use. Allow for things that are slightly higher in intensity. Woodland Housing area – Riley Rd. is another annexation area. Keep as rural residential with the exception of the soccer fields and the dog park being kept as residential. Lester Park designated recreation. Ongoing discussion and to maximize possibility change to neighborhood mixed use. Airport and Woodland Area. Two areas to rural residential east side of Rice Lake Road. Utility extensions are not feasible. Woodland Housing areas. Land owned by ISD 709. Portions are appropriate to allow for a future housing development.

Public: Ben Garland, community activist for transportation addresses the commission. He has comments about transportation policies. 1) What protection is there to ensure objectives are taken seriously. 2) Non-car activities are doable as proven by facts and data. 3) Continued improvement of streets to make sure it involves everyone. 4) How to get the planners to do the planning and make it the engineers job to make it possible. Robertson notes there was public comment received and listed in the packets.

Charlie Deville, Duluth citizen who likes old things addresses the commission. He wants the keep the Duluth Flag as is, and create pride in the flag we've had for 38 years. He would like to see the streets lined with the current flag. He doesn't want to see the

public make the decision. Commissioner Margie Nelson comments she owns a Duluth city flag. Pam Kramer addresses the commission. She is a member of the vision committee and was a city planner. She was initially concerned about city staff creating the comp plan in-house, but is incredibly impressed. She feels the community has been brought into the process more than if done from an outside source. Re: Neighborhood revitalization she would like the city to look at a permanent source of revenue to support affordable housing. She also questions tiny homes and accessory properties. Planning assistance for the core investment areas. Additional assistance on small area planning. Great work on food access. How to incentivize healthy food within core areas. Embracing fairness and diversity. She thanks the city for their work. Linda Ross Sellner addresses the commission. West to East map – West Duluth to Lincoln Park. She notes the numerous parcels east of the zoo. Catastrophic flood where the zoo was damaged beyond belief. Why take the preservation land and place it for different use. 18th Ave. W. and 11 St. currently recreation land. There are no roads or utilities in this area. Skyline parkway view protection. Lincoln Park/Hillside – boulder ridge – skirts Chester Creek. They should put trout streams into protection. Airport/Woodland – why give up land in Hartley Park? These are sensitive lands around Tischer Creek. People don't want hawk ridge developed. Sensitive areas overlay. The new plan doesn't put enough teeth into the sensitive lands overlay. Linda Watschke moved from chester park to new home on Norton Rd which consists of five acres. She supports going from mixed-use to rural-residential. Bill Mittlefelt economic teacher addresses the commission. He notes there is excellent public leadership. He would like to see youth assets utilized. Director Hamre thanks the speakers and gives an overview. He discusses areas they want to change. Sensitive Lands overlay is a guidance. Engaging citizens is critical with any of the steps. Benchmark steps – each year the planning commission will analyze what has been accomplished and what needs to be addressed. They want to do as much as possible, and involve, police, parks, and business development. Priority based budgeting is mentioned. What does the community want us to work on?

Commissioners: Zandra Zwiebel notes there were many changes were discussed without previous review. Director Hamre states the commission can wait to see the changes in print. Garner Moffat thanks staff. He would like to see some things added. He has concerns about the Woodland site for housing. There are houses already in that area (Kolstad and Ewing). He doesn't want to include existing houses in preservation areas. In regards to Becks Rd., he has concerns that the community would use up their preservation lands and thinks there are better alternatives. Alternatives include re-using brownfield sites to make them attractive to new businesses. Creative about cleaning up the lands for re-use. Tiny houses could be strengthened in the plan. Utility poles – underground utilities and makes the neighborhood more attractive. Other communities required large utilities be placed underground. He would like to see the library added under transformative projects. Transportation project – Mesaba – Kentucky Derby, Can of worms. Connection issue between the two neighborhoods. The city long connection between east/west. Future of railway project. 19th ave W to Portland would be nice to have a neighborhood connection. Rail Depot – rail connection between twin cities and Duluth. How to further the connectivity once arriving in Duluth. Terry Guggenbuehl agrees with Moffat's comments. He thinks staff's work is incredible. Re: transportation section – agrees with Ben Garland. Nice to add to the implementation strategies. Look at planning not just streets, but snow removal and look at pedestrians first. Janet Kennedy thanks staff and is concerned that after this public hearing the conversation won't continue, but wants to confirm there will be an open dialog. She would like to wait until March to soak up the comments they received today. Pedestrian safety in western

Duluth. High traffic area. Housing Fund how to incorporate it in the comp plan. Importance of youth involvement. She hasn't heard a lot. Wants to make sure there are spaces for youth. Heather Wright Wendel appreciates staff's work. The city has great plans on the books, but wants to make sure actions and implementation follows. She wants the city to consider stacking functions, increasing density, and green infrastructure. How can the city think on a bigger level and not choose one entity over the other? Chair Schraepfer commends city staff. He notes this is a huge savings to the city to have this done in-house versus contracting out and feels the city did a better job than what out-sourcing would have netted. Zwiebel would like to see the changes in writing.

MOTION/Second: Zwiebel/Guggenbuehl table until the annual meeting on March 6, 2018

VOTE: (9-0)

(A five-minute recess was given)

3. Approval of Planning Commission Minutes (January 9, 2018)

MOTION/Second: Guggenbuehl/Meyer approve the minutes.

VOTE: (9-0)

4. Public Hearings (Began at 5:50 p.m.)

- A. PL 17-194 UDC Text Amendments Related to Vacation Rental Dwellings (Increase Number of Permits), Permitted Use Table and Definitions (Filing Stations Small/Large, Dwellings in Form Districts, Accessory Home Share, Hotel, Car Repair Service and Repair), Fencing/Screening, and Land Use Supervisor Administrative Adjustments

Staff: Steven Robertson gives an overview. This public hearing is a continuation from the public hearing on January 9, 2018, and the discussion at the planning commission brown bag meeting on December 5, 2017. Several public comments have been received and are shared in the memo. The UDC Text amendments include:

- Increase in the number of vacation dwelling units by 6 each year; Accessory Home Share and Dwellings Allowed in the Form District
- Fencing/Screening – apply for a zoning permit for 4-feet and over. Identify lot lines and supplying a site plan will alleviate conflict ahead of time.
- Use Specific Standards for Filling stations; Definitions for filling stations (break down between small and large and only allow small filling stations in R-2 and MU-N districts) and hotels; Car Repair and Service

Staff recommends approval. Nelson asks about the sunset date for vacation rentals. Is it included? Per Robertson it maxes out at 97 in 2022 unless there is a future ordinance change. Kennedy notes vacation dwellings and how it effects the housing market. Need a mechanism to measure the need. She doesn't agree with increasing it by an arbitrary number. Chair Schraepfer is not in support of limiting the vacation rental units. People like to be able to use their home. He agrees with Kennedy that it should be based on impact. They are just regulating it for the sake of regulating. Tim Meyer reiterates that vacation rentals have been going on in Duluth unregulated. Capping it won't help with control or regulation. Let the market determine how many permits are in Duluth. Kennedy wants to be more pro-active. There are folks that have more than one vacation rental and thinks it's more commercialized. Guggenbuehl states it allows homeowners who move out to rent their homes versus having them sit vacant. Zwiebel notes it doesn't have to be the last revision, but likes the increase. She would like to see this increase voted in as a minimum. Director Hamre explains this increase fits the market by growing 10% as a phased increase. If they don't vote on it, it needs to be tabled.

Zwiebel would like to allow 4-foot chain link fences in front yards. Moffat isn't opposed to chain-link fence in the right context. It doesn't hinder sight lines. Zwiebel would like to see (unless materials have been recycled) under item C. Schraepfer asks about zoning permit versus building permit. There is a 7' limit according to building code. Filling stations: Luke Sydow would like to see the side view as a consideration for the mechanicals. Page 18 – A. He feels that 6 pumps or 12 fueling points is too many for residential neighborhoods. He would like to see better designs for filling stations and would like to see them as special uses in every district. Chair Schraepfer opens the public hearing.

Applicant: N/A

Public: Nathanael and Anna Bailey address the commission. They are reclaimed wood artists. They bought the filling station at 58th Ave. W. and Grand Ave. They would like to create a makers loft in their upstairs area. They would like to see the VRBO cap increased. They want to bring awareness to the artist community. A rental just won't fit into their business model. If they don't increase it to more than 6 – they are just putting a band-aid on the problem. They want to follow the law, but there is no feasible way to complete their vision. They want a new and unique way to see Spirit Valley. Scott Teigen, vice-president of Kwik Trip addresses the commission. He is against limiting the size and number of pumps for fueling stations. He feels adding a special use permit in all districts is a good idea. He notes the need to have food availability for all citizens. Brad Johnson addresses the commission. He represents Duluth Tabernacle Church. A whole new zoning for MU-P. He thinks the filling station item should be tabled. He thinks more study is needed and a store which allows fueling and food should be allowed more space. Maranda DeSanto addresses the commission. She is concerned adding six more vacation rentals is not enough. She thinks new homeowners should have the right to renew. She feels there should be an authorized waiting list. The cap shouldn't apply to mixed use or commercial issues. She feels setting the cap should be based on total housing units.

Commissioners: Sydow would like to table. He appreciates more time to get it right.

MOTION/Second: Meyer/Kennedy table until a further date for more discussion

VOTE: (7-2, Zwiebel and Moffat Opposed)

- B. PL 17-195 Special Use Permit for Restaurant at 1231 East Ninth Street by Jordan Decaro

Staff: Steven Robertson introduces the applicant's proposal to operate a 6-8 seat, 1,056 square foot delivery and takeout pizza restaurant in an MU-N district. A restaurant in a MU-N district requires a special use permit. Staff recommends approval with the conditions listed in the staff report.

Applicant: Jordan Decaro addresses the commission. He comments on store hours. The franchise decides the store hours. He notes from midnight to 3 a.m. it is very online/delivery based. There won't be a lot of foot traffic. They want to re-use the building and he loves Duluth. Guggenbuehl asks if it's possible to have delivery only from midnight until 3 a.m. Decaro states the Toppers Franchise wants to include both delivery and dining during those hours. Kennedy is concerned because college students might want to hang out between midnight and 3 a.m. and thinks it might be disruptive to the neighbors. Decaro doesn't think it will be a summer hotspot as it's very small. There are 82 restaurants and they are all open until 3:00 a.m. There is no alcohol and is a "grab and go" business.

Public: No speakers.

Commissioners: Guggenbuehl asks if they should make an amendment to state delivery only from midnight to 3 a.m. Moffat would also like to see the additional clause of after midnight delivery only. Chair Schraefper notes Pizza Luce serves until 3 a.m. and it's not a problem. Guggenbuehl notes the locations are very different.

MOTION/Second: Zwiebel/Wright Wendel approved as per staff's recommendations.

VOTE: (5-3, Guggenbuehl, Kenedy and Moffat Opposed, Sydow abstained)

- C. PL 18-004 Mixed Use-Commercial (MU-C) Planning Review for Hotel at the Corner of Blackman and Central Entrance by Northridge Asset LLC

Staff: Steven Robertson introduces the applicant's proposal for a four-story hotel with 106 rooms, and approximately 50,000 square feet in size (12,500 per floor). The five parcel development site is approximately 2.2 acres in size (approximately 2.05 excluding dedicated right of way). Hotels are a permitted use in the MU-C district, but requires a plan review approval by the planning commission. Based on the findings, staff recommends approval subject to the conditions listed in the staff report. Chair Schraepfer asks if there is a current bike lane there. Per Robertson it exists, but is in disrepair. Wright Wendel asks about the traffic study and notes transportation sustainability points. Is 2% allotment for electric cars a requirement or a marketing tool? Per Robertson they are required to have a plug-in for electric cars.

Applicant: Brett Carlson (Northridge Asset LLC) addresses the commission. He notes the 106 stalls parking stalls and some will be taken up by staff. They want to straighten Clearwood Drive. Guggenbuehl asks if the sidewalks are connecting. There is access to Central Entrance and there is a bus stop nearby. Per Robertson, the straightening of Palm street is encouraged.

Public: Beth Wentzlaff addresses the commission. She is a realtor and notes five different possible buyers that fell through. She is excited to finally see this project come thru. Linda Ross Sellner, 402 Arrowhead Rd., addresses the commission. She has concerns and 1 1/2 acres of impervious surface which is right above the ridge line. She notes the plan for stormwater under the building. Is this effective? This was undeveloped land and now it's facing 106 parking spots. Do they need another hotel? Can we use foresight instead of regret for overbuilding? She has a handout to give to the commissioners before they adjourn. Kevin O'Brien addresses the commission. He owns a house nearby, and thinks it's a great use for the site.

Commissioners: Moffat did a drive by on the site and is concerned about impervious surface, but feels it's a good fit. Can they rename the street with the new alignment? Director Hamre states no, per engineering. Meyer is happy to have someone find something that works and he has been the architect for some of the projects that didn't work. He is in support. Wright Wendel asks about turf grass clause which limits turf grass to 40%. Robertson states they want to encourage more natural vegetation. Zwiebel thinks this is a great location, but asks about the billboard sign. Per Robertson, it's on a different parcel and will stay. Per Director Hamre they will comply with the lighting rules.

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

VOTE: (8-0, Sydow abstained)

- D. PL 17-190, 17-191, and 17-192 Special Use Permit, and Front Yard Setback and Shoreland Variance for Natural Gas Regulator Building for the City of Duluth at 2945 Morris Thomas Road

PL 17-190

Staff: Kyle Deming introduces the city's proposal for a special use permit to allow for construction of a 24' x 40' building similar to a residential garage, which will house a natural gas regulator. The existing unenclosed natural gas regulator is located 140 feet west of the proposed location. Staff recommends approval subject to the conditions listed in the staff report. Wright Wendel asks about the vegetation. She thinks natural would be a better fit.

Applicant: Tim Sanders (city of Duluth engineering division) addresses the commission. It was installed in 1987 and the flow has increased which has increased the noise. It decreases the erosion velocity and a meter can be installed. They will meet federal regulations. Guggenbuehl asks if the old regulator be removed and revegetated. Sanders states yes.

Public: Phil Behling, 3001 Morris Thomas Rd., addresses the commission. He bought his house in 2004. The noise level has increased and is 50-60 decibels. It has a significant impact on property value. He is in favor of the new building. James Bechtold, 2921 Morris Thomas Rd., addresses the commission. He is in support of the building, but wants the building to be spray foamed for insulation. He wants the new building to be done right and wants the water drainage to be handled properly.

Commissioners: Zwiebel

MOTION/Second: Guggenbuehl/Moffat approved as per staff's recommendations with added recommendation to include natural vegetation versus grass and wants the building to be sound-proofed in some way and the direction of the venting be changed to the north side.

VOTE: (9-0)

PL 17-191

Staff: Kyle Deming introduces the city's proposal for a variance to construct a natural gas regulator station in a 20' x 40' building located ten feet from the Morris Thomas Road right of way. The required building setback is 25 feet. Staff recommends approval with the conditions listed in the staff report.

Applicant: Tim Sanders (city of Duluth engineering division) addresses the commission.

Public: (See above.)

Commissioners: (See above.)

MOTION/Second: Zwiebel/Moffat approved as per staff's recommendations.

VOTE: (9-0)

PL 17-192

Staff: Kyle Deming introduces the city's proposal for a variance to construct a natural gas regulator station in a 20' x 40' building located 122 feet from a tributary to Merritt Creek. The required cold water stream setback is 150 feet. Staff recommends approval with the conditions listed in the staff report.

Applicant: Tim Sanders (city of Duluth engineering division) addresses the commission.

Public: (See above.)

Commissioners: (See above.)

MOTION/Second: Sydow/Guggenbuehl approved as per staff's recommendations.

VOTE: (9-0)

- E. PL 18-001 Special Use Permit for 8-Unit Residential Care Facility and PL 18-003 Vacation of Right of Way with Retention of Utility and Pedestrian Easement at 510 West Quince Street by Northwood Children's Services, Inc

Staff: Kyle Deming introduces the applicant's proposal for a special use permit to create housing for up to eight children ages 5-17 years in the home with 24-hour-a-day staff supervision by 2-3 staff. The residents will attend school at the Northwood West Campus which is where they will receive services. Occasional parental visits will be at the site. Staff recommends approval with the conditions listed in the staff report.

Applicant: John Ek of Northwood Children's Services is present and will address any questions. There are none.

Public: No speakers.

Commissioners: N/A

MOTION/Second: Moffat/Zwiebel approved as per staff's recommendations.

VOTE: (9-0)

PL 18-003

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

VOTE: (9-0)

- F. ~~PL 18-005 Shoreland Variance at 3900 London Road by OneTwoOne Development~~
(Note: Public Hearing on This Item Has Been Delayed Until March 13, 2018)

5. Communications

- A. Manager's Report – Director Hamre states Zwiebel has volunteered to serve as their repl on the Heritage Preservation Commission, replacing Guggenbuehl. Director Hamre shares information on the planning commission's annual meeting. The meeting is scheduled for Tuesday March 6th. Dinner will be served in the mayor's reception room at 5:00 p.m., and then their meeting will be held in conference room 303 at 5:30.

- B. Reports of Officers and Committees --Heritage Preservation Commission Representative, Terry Guggenbuehl gives an overview. The HPC wants to nominate the Lake Superior Railroad, as a landmark designation, but there is no recommendation yet.

- C. Meeting adjourned at 7:56 p.m.

Respectfully,



Adam Fulton - Manager
Community Planning