



City of Duluth  
Planning Division

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City of Duluth  
Special Planning Commission Meeting  
Minutes of Tuesday, June 22, 2010  
City Hall, Room 303

**I. Call to Order:** President Rand called the special meeting of the Planning Commission to order at 5:00 p.m., **Tuesday, June 22, 2010**, in Room 303 of City Hall and explained the public hearing procedure to the audience.

**II. Roll Call**

Members Present: Henry Banks, Katelyn Blazevic, Rebecca Covington, Drew Digby, Terry Guggenbuehl, Heather Rand, David Sarvela, John Vigen,

Members Absent Excused: Mike Akervik, Mindy Appold, Frank Holappa, Jim Stebe

Members Absent: None

Staff Present: John Judd, Alison Lutterman, Jennifer Moses, Cindy Petkac, Edna Ulrich

**III. Public Hearings**

A. Presentation/Discussion on the proposed new zoning regulations, the Unified Development Chapter of the City of Duluth Legislative Code (UDC)

Cindy Petkac presented a Power Point presentation on the UDC/public involvement process which was officially kicked-off in December 2008 and included numerous meetings with the public, individual stakeholders, Zoning Advisory Committee, and Technical Advisory Committee. She also talked about the media outreach efforts and major changes from the existing zoning code to the proposed final draft of the UDC. Petkac concluded her presentation by responding to the three letters/emails provided to the Commission.

The Planning Commission received the following corresponding on the UDC: an email from Mark Lambert regarding permitted uses in the Mixed Use Neighborhood (MU-N) zone district and parking requirements in the R-2 zone district; a letter from Bill Burns regarding concerns with the UDC in the context of the proposed Riverside/Spirit Valley development; and an email from Pam Kramer regarding the zoning overlay for campus neighborhoods, changes to the Heritage Preservation Commission and concerns by the State Historic Preservation Office (SHPO), and parking requirements in the MU-N zone district.

Brad Johnson: 7425 Frontier Trail. Lives in Chanhanson. He has been developing in the city for past 20 years. Ramsey Town Homes was one of their developments. He has been dealing with lots of parcels of land. One of interest to him was Spirit Lake. They are in the process of purchasing the DWP line to extend to their property (bottom of Spirit Mountain). He has 10 investors. Project will take 10-15 years to complete. He has concerns on zoning issues. We currently don't have a correct fit for their projects. His second concern is regarding shoreland regulations. He stated that there are steams on the site and the setback requirements in the UDC will make development difficult. He suggested that they be allowed a 75 ft set back on the site.

Petkac stated that the setback requirements for shorelands are based on the Minnesota Department of Natural Resources new shoreland regulations.

Bob Reicker: 3626 E Superior St Duluth. He commends the Commission for the great work on the UDC. One primary purpose is to protect neighborhoods. The residential neighborhood can be good with a small amount of rental housing. Too much is bad for the neighborhood. Zoning is a tool to help stabilize a neighborhood. Wants to see the 300' rule included in the UDC and there needs to be more discussion and debate about what to do to deal with this problem. Failure to make a decision is not a decision. There may be ways to improve the rule. HRA has a program in which they acquire homes and help people to purchase them.

Rick Ball: HRA Exec Director. As a housing authority they are concerned about the university housing overlay. This creates a very good tool for a modern and comprehensive plan. They work on neighborhood stabilization. The 300' rule does provide protection but is scheduled to sunset July, 2012. They would like the protection of the 300' rule. There are about twenty different agencies looking at campus stabilization as well as the neighborhoods.

Cody Leesman: 1324 E 2<sup>nd</sup> St. Duluth. Graduated from UMD recently. He is entering the debate of campus parking. Any new housing will attract students to the area. There is a large segment of students that don't own a car. Lots of people like to have the option to live close to the campus and want to walk to the campus areas. He sees this as an advantage.

Todd Johnson: 5147 Miller Trunk Hwy. He is in the sign business. He can't understand what we are doing here. How can people who own property know what they can or cannot do. We now have sign rules that don't make sense.

Lutterman stated that this is partly a rezoning question. There will be a complete rezone of the city as part of the adoption of the UDC. All of the current zoning will convert to the new UDC zone district and that permitted uses can be found in the Use Table in Article 3 of the UDC.

Johnson stated that the sign ordinance is the worst one there is. Petkac responded that the current sign ordinance was carried over and not substantially changed. There were only minor changes made; for instance, if there was an issue related to the first amendment.

Penny Clark: 2120 E 4<sup>th</sup> St. The UDC states the Planning Commission makes the decisions on historical preservation. The HPC's responsibility to approve or deny is now taken away from them. The Planning Commission will now make those decisions without having the historical knowledge or background to make those provisions. Almost every guiding principle has a reference to historic principles.

Wayne Gannoway: 425 W Winona St. One of the benefits of having the HPC is historic preservation funding. The City has access to a certain amount of funds to do studies and re-use studies. If the current plan for the HPC is implemented, the funds would not be given to the city. HPC is a decision making body. The HPC could be decertified should the city take over that role. We would also put at risk the Historic Buildings that we have in Duluth.

Sandy Robinson: 723 E 7<sup>th</sup> St. She supports all the comments that have been made regarding rentals. The concern is that there are a lot of homes being converted to student rentals. The concern is not keeping renters out of the neighborhood but keeping a balance to them.

Kinnan Stauber: 4139 4<sup>th</sup> Ave S. Are overlay districts also considered zoning districts? Yes. He is concerned that the Natural Resource Overlay Map does not consider the natural area and the point. Airport zoning mentions that the map shows a much smaller area for the Airport Zone. He doesn't think it needs to have that large of a zone. Regarding shoreland - it does not mention how Lake Superior fits into this. He would like to see Minnesota Point as a park or recreation space.

Moses stated that Lake Superior is included in the shoreland area.

Susan Schumacher: 1021 Grandview Ave. Stated that she was on the University Housing Working Group. She asks to please keep the university housing overlay in the UDC. The 300' rule is going to stop in 2012. She has 7 rentals on her block. No one is seeking to keep anyone out. There is a variety of people and they have a great neighborhood. Businesses are coming in and running commercial enterprises and don't think about the families and neighborhoods. She encourages the Commission to please keep the overlay district to have a good neighborhood mix.

Jeff Jackson: 516 S. 6<sup>th</sup> Ave W. He is currently on the Board of Appeals. Every time that the Planning Commission makes changes we make a lot more work for the Board. With all the changes happening, how can we implement this successfully with a short staff? We need to make sure that they have enough staff to deal with the changes that are being made.

**The public portion of the meeting was closed at 6:19 pm.**

Petkac responded to the citizen concern regarding implementation of the UDC. She stated that staff training and public education will be a key component of a successful implementation, along with creating new procedures manual and application manual. She stated that staff currently spends about thirty hours per land use application; what is proposed in the UDC will in fact require less staff time to administer. Finally, she stated that one of the goals of the UDC is staff efficiency and transparency.

Digby added that this is a fantastic document. If people haven't had a chance to read it - it is very clear when you do. It will make us far more business friendly which is a positive thing. In general it will streamline the process and make us far more environmental, business and neighborhood friendly.

Rand is concerned about the timeline and bringing this to closure. We have worked on this for 18 months and it needs to be brought to the Council. In regards to the HPC, we will leave the language as is and will get clarification from SHPO.

Guggenbuehl was not involved in this process until recently and thinks that the UDC is a great document and has no hesitation in approving this.

Vigen supports the parking requirements for the MU-N zone district. While he supports public transportation, parking is an issue in Duluth. He noted that students use a church lot near his house for parking. There can be 20 - 30 cars parked there as there is not enough parking for the students who have cars. Parking regulations for student housing is critical.

Rand said that reducing space for parking is a potential problem. The proposal in the MU-N zone district is one space per bedroom.

Dibgy discussed the different areas where student housing is located and the transit reduction provision in the UDC that would encourage people to use public transportation. Prefers the one car per dwelling unit standard for multi-family housing not the one per bedroom.

Vigen. When we talk about establishing a rule like this, it changes every quarter. We are not dealing with a population that is in a traditional apartment. It is very transitional. Colleges have recognized the parking issues and have built more parking for students. We need to accommodate these changes as well.

Rand thinks that multi-family units having 1 car per bedroom would work well.

Digby proposed an amendment to replace Section 50-15.2.E.1 and 2 with "Appropriate transportation/parking plan" which was seconded by Banks but after much discussion was restated as follows:

MOTION/Second: Digby/Banks to Amend the UDC and Add Section 50-15.2.E.6 - Adjustment to required off-street parking per Section 50-24.3 applies.

Vote 7-1 (Vigen Opposed)

Vigen discussed the purpose of the Mixed Use Business Park (MU-B) zone district and appropriate uses. He requested that recycling collection point be changed from a permitted use to a special use.

MOTION/Second: Vigen/Sarvela to Amend the UDC and Change Recycling Collection Point (primary use) from a Permitted Use to a Special Use in the MU-B zone district.

Vote 7-1 (Digby Opposed)

Vigen, who is a resident of Chester Park, stated concern that university issues are not addressed in the UDC. There are almost 20,000 students coming into Duluth and that has an impact on city and the neighborhoods surrounding the campuses. It also draws employers into this area. We have diverse concerns - not just issues with rental housing but transportation, land use and commerce issues. We want a friendly area for the students. The UDC includes an overlay for skyline parkway, airports, natural resources, and historic preservation districts. The initial draft of the UDC included the university housing overlay which was a carryover of the 300' rule. The 300' rule ordinance was established as a tool to try to address some university housing issues. It was not intended on being an overlay district itself. But if we don't have an overlay district, how would we deal with university issues. Vigen suggested that the higher education overlay in the Comprehensive Plan be applied to the UDC.

Petkac stated that the higher education overlay in the Comprehensive Plan applies to three commercial areas near UMD and CSS where mixed uses are envisioned: the Kenwood shopping center, Mount Royal shopping center and London Rd. She added that in the UDC these areas would be zoned to allow for mixed uses as is called for in the Comp Plan.

Digby discussed the research that he has completed on issues surrounding university students and rental licensing issues and the information shows that a handful of landlords cause the majority of the problems.

Vigen and Digby then engaged in a lengthy debate about various issues and perceptions associated with university campuses located in traditional residential neighborhoods.

MOTION/Second: Vigen/Blazevic to Recommend to City Council that a Small Area Plan be funded for the Higher Education Overlay for the UMD and CSS area.

Vote 8-0 Unanimous

MOTION/Second: Vigen/Banks to Recommend Approval of the UDC to the City Council with the two amendments.

Vote 8-0 Unanimous

**IV. Adjournment.** Motion: Banks/Vigen to Adjourn. President Rand adjourned the meeting at 7:41 pm.