



**City of Duluth
Planning Division**

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City of Duluth
Planning Commission
August 13, 2013 Meeting Minutes
City Council Chambers - Duluth City Hall

I. Call to Order

President Terry Guggenbuehl called to order the meeting of the City Planning Commission at 5:00 pm on Tuesday, August 13, 2013, in the City Council Chambers.

II. Roll Call

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

Absent: Tim Meyer (Excused)

Staff Present: Charles Froseth, John Judd, Steven Robertson, Kyle Deming, Jenn Reed Moses, Gaby Gerken and Cindy Stafford

III. Public Hearings

A. PL 13-108 UDC Zoning Map Amendment to Rezone Upper Lincoln Park area along West Third Street between North 24th Avenue West to North 28th Avenue West from Residential-Urban (R-2) to Mixed Use Neighborhood (MU-N) by the City of Duluth
Staff: John Judd introduces the UDC Zoning Map Amendment and shares maps with Commissioners. A neighborhood meeting was held. 17 people attended. Their comments are listed in the staff report. Staff recommends that the proposed rezoning be approved. Zandra Zwiebel asks about the preservation plan.

Applicant: N/A

Public: No speakers.

Commissioners: Luke Sydow notes that the area is open to the creek. Per Judd, it is still protected by our Natural Resources Overlay (NR-O) as a waterway.

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

VOTE: (8-0)

B. PL 13-107 UDC Zoning Map Amendment to Rezone Lower Lincoln Park area bordered by West Superior St. and Interstate 35, between South 22nd Ave. West and South 32nd Ave. West from Industrial-General (I-G) to Mixed-Use Business Park (MU-B) by the City of Duluth.

Staff: John Judd introduces the proposed rezoning. He shares the map with the Commissioners. A neighborhood meeting was held. 4 people attended. Their comments are listed in the staff report. Drew Digby asked which companies would be non-conforming. Per Judd, currently bulk storage business that exist now. Digby asks about future plans for the Heritage Center and if hotels would be permitted. Per Judd, paln at sil in theworks to expand the Childrens Museum and adding a hotel to the complex. Zwiebel if we change this now, would non-conforming businesses be allowed to expand? Per Judd, no. David Sarvela asks

where bulk storage fits in. According to the UDC, it's listed under Industrial-General (I-G).

Applicant: N/A

Public: Will Norman of Como Oil (and also speaks for Harbor City Oil) addresses the Commission. They do not object to the overall plan, but they want to be able to expand on their own respective properties. The area mainly consists of the space between 30th Ave. W, Superior Street and Carlton Street.

Commissioners: Digby asks about the surrounding I-G zoned land. He questions the need for rezoning all of it to MU-B. Per Judd, approximately 90% of the uses currently in the area proposed for rezoning of the is not supported in an I-G. Sydow asks about the possibility of leaving some of the proposed area I-G. Zwiebel agrees with Digby & Sydow, and asks Judd to reconfigure the map leaving the bulk storage and areas abutting the railroad and I-35 right-of-way as I-G. Digby asks the speakers if this change was acceptable to them, allowing their property to remain I-G. Yes.

MOTION/Second: Digby/Zwiebel table until next month for additional information and changes to the map showing the area proposed to be rezoned.

VOTE: (7-0) Moffat recused himself

- C. [PL 13-106](#) UDC Zoning Map Amendment to Rezone Lot at the Northeast Corner of Commonwealth Avenue and Carterett Street from Mixed-Use Business (MU-B) to Mixed-Use Neighborhood (MU-N) by SMR Acquisitions Company, LLC

Staff: Steven Robertson introduces the applicant's request to construct, in the near future, a retail store (Dollar General), which is allowed in MU-N, but not in MU-B. Staff recommends approval.

Applicant: David Soto of Atwater addresses the Commission and asks if there are any questions.

Public: No speakers.

Commissioners: N/A

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

VOTE: (8-0)

- D. PL 13-111 Quick Plat at the Corner of Commonwealth Avenue and Carterett Street by SMR Acquisitions Company, LLC

Staff: Steven Robertson introduces applicant's request to combine several existing platted lots into a fewer number of platted lots.

Applicant: Present, but did not speak.

Public: No speakers.

Commissioners: N/A

MOTION/Second: Moffat/Sarvela approve the quick plat as per staff's recommendation.

VOTE: (8-0)

- E. [PL 13-082](#) Quick Plat at the End of Vassar Street by Ronald and Michael Edmunds

Staff: Jenn Moses introduces the applicant's request to create two lots at the end of existing Vassar Street. Subdivision also includes a utility and pedestrian easement and extension of the road right of way. Staff recommends approval, subject to two conditions as listed in the staff report. Zwiebel asks about the access to the stream.

Applicant: John Hinzmann spoke on behalf of the applicants.

Public: No speakers.

Commissioners: Mullins asks about the 90 day timeline and if it can be extended. Per Moses, the UDC doesn't allow for an extension. Garner Moffat asks about how it fits into the future land use. Per Moses, R-1 lists a minimum not a maximum.

MOTION/Second: Beeman/Mullins approve the quick plat as per staff's recommendation which include conditions 2 and 3 as listed in the staff report which state that the plat be recorded with the county within 90 days, and any alterations to the approved plan that do not alter major elements of the plan may be approved by the Land Use Supervisor.

VOTE: (8-0)

- F. [PL 13-103](#) Concurrent Use of Streets for Private Underground Utilities at 622 West St. Marie Street by UMD

Staff: Jenn Moses introduces the applicants' request to install four 4" pvc electrical conduits and two 4" communication conduits between UMD and properties on both sides of West Marie St. Staff recommends approval.

Applicant: Erik Larson addresses the Commission.

Public: No speakers.

Commissioners: N/A

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

VOTE: (8-0)

- G. [PL 13-081](#) Special Use Permit for a Kennel in a Mixed Use-Commercial (MU-C) District at 3433 West Arrowhead Road by Richard Lebeau

Staff: Jenn Moses introduces the applicant's request for a special use permit to allow a boarding kennel and animal day-care facility in a MU-C zone district. Staff recommends approval with conditions listed in the staff report. Digby asks about waste disposal. Chair Guggenbuehl asks about the storm water retention area and asks if the area is sloped. Per Moses, the area is flat. Sarvela asks about landscape requirements. Per Moses, trees are required along the edge of the property line along the street. Sarvela asks if they can allow the trees to be farther back. Per Moses, the intent is to approve the street aesthetics. Digby asks what animals would be allowed and notes the UDC states domesticated animals. Per Moses, the applicant proposes to house dogs and cats, but restrictions could be included in a condition.

Applicant: Peggy Olivas (operator of future dog boarding and daycare) clarifies the facility will only allow dogs. Waste will be taken care of right away.

Public: No speakers.

Commissioners: Sydow would like the condition of trees and shrubs be added.

MOTION/Second: Zwiebel/Digby approve special use permit as per staff's recommendation with condition that landscaping requirements for street plantings which might be banned by wetland restrictions be incorporated elsewhere within the property.

VOTE: (8-0)

- H. [PL 13-060](#) Special Use Permit to Upgrade an Existing Cell Tower Facility at Spring Street

Staff: Steven Robertson introduces the applicant's request to add three antennas to its existing array on the tower. Staff recommends approval.

Applicant: Steve Stulz of AT&T addresses the Commission.

Public: No speakers.

Commissioners: Chair Guggenbuehl asks for a clarification of the array.

MOTION/Second: Moffat/Beeman approve special use permit as per staff's recommendation.

VOTE: (8-0)

- I. PL 13-105 Variance from Corner Side Yard Setback for a Garage at 801 East 6th Street by Nathan Graen

Staff: Steven Robertson introduces the applicant's request. Staff recommends approval.

Applicant: Nathan Graen addresses the Commission.

Public: No speakers.

Commissioners: N/A

MOTION/Second: Moffat/Mullins approve variance as per staff's recommendation with the hardship being the applicant's lot restrictions

VOTE: (8-0)

- J. PL 13-110 Variance from Side Yard Setback at 1010 East 6th Street By Marliss Westenfield **SR**

Staff: Steven Robertson introduces the applicant's request for a variance. Staff recommends approval.

Applicant: Present but did not speak.

Public: No speakers.

Commissioners: N/A

MOTION/Second: Zwiebel/Moffat approve variance as per staff's recommendation with hardship being the difficulty in meeting the egress needs.

VOTE: (8-0)

- IV. Consideration of minutes
July 9, 2013

MOTION/Second: Digby/Mullins

VOTE: (8-0)

- V. Communications

- A. Managers' Report – Chuck Froseth addresses the Commission and gives an update.
B. Note: the September 10th, 2013, PC meeting will start an hour later, at 6:00 p.m.

- VI. Reports of Officers and Committees

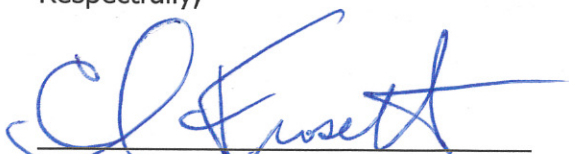
- VII. Other Business (Note: no action is anticipated on this item until the September PC Meeting)

- A. PL 13-067 UDC Zoning Map Amendment to Rezone from Residential-Planned (R-P) to Mixed Use-Planned (MU-P) at 201 Clover Street (Woodland Middle School and Bluestone Commons) by the City of Duluth (item held over from May 14th meeting agenda).

- VIII. Adjournment

Meeting adjourned at 6:55.

Respectfully,



Charles Froseth, Land Use Supervisor