

City of Duluth
Planning Commission
November 10, 2015 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 5:00 p.m. on Tuesday, November 10, 2015, in city hall council chambers.

Roll Call

Attending: Marc Beeman (arrived late during item C), Terry Guggenbuehl, Janet Kennedy, Tim Meyer, Garner Moffat (left early after item C), Mike Schraepfer, Luke Sydow and Zandra Zwiebel

Absent: Heather Rand

Staff Present: Keith Hamre, Jenn Reed Moses, John Judd, John Kelley, Nate LaCoursiere and Cindy Stafford

II. Public Hearings

- A. PL 15-168 UDC Map Amendment to Rezone Tax Forfeit Property Near Aneson Avenue and Restormel Street from RR-1 (Rural Residential 1) To R-1 (Residential-Traditional), by the City of Duluth

Staff: John Kelley introduces the city's proposal to rezone an approximately 4.6 acre parcel located at the west end of Devonshire Street. Based on the finding listed in the staff report, staff recommends approval.

Applicant: N/A

Public: N/A

Commissioners: N/A

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

VOTE: (7-0)

- B. PL 15-169 UDC Map Amendment to Rezone Lincoln Park As Recommended by the Lincoln Park Small Area Plan, by the City of Duluth

Staff: John Judd introduces the city's proposal to rezone Lincoln Park as recommended by the Lincoln Park Small Area Plan. The proposed rezoning rearranges and/or expands the current zone districts which include: Park and Open Space (P-1), Residential-Traditional (R-1), Residential-Urban (R-2), Mixed Use Business (MU-B), Mixed Use – Neighborhood (MU-N), Industrial – General (I-G), and Form District 5 (F-5) mid-rise community shopping and office. This rezoning also introduces to the area Mixed Use – Commercial (MU-C), which is a new mixed use zone district for the area. Staff Recommends approval. Luke Sydow asks why P-1 isn't shown. Per Judd it was already previously rezoned.

Applicant: N/A

Public: N/A

Commissioners: N/A

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

VOTE: (7-0)

(Beeman enters meeting during item C.)

- C. PL 15-164 UDC Map Amendment to Rezone 3215 West Arrowhead Road from R-1 (Residential-Traditional) to MU-B (Mixed Use-Business), by Minnesota Power

Staff: Jenn Reed Moses introduces Minnesota Power's proposal to rezone from Residential-Traditional (R-1) to Mixed Use-Business (MU-B). Minnesota Power has stated its intent to place a 40kw solar array on this site. Staff recommends approval according to the reasons listed in the staff report.

Applicant: Dan McCourtney of Minnesota Power addresses the commission and gives an overview. He asks if there are any questions. Chair Zwiebel notes the high traffic area and asks if there will be reflections. McCourtney states they will complete a glare analysis for the panel array to make sure it won't adversely affect traffic. Terry Guggenbuehl asks if there will be any transmission lines or towers. The applicant states no. They will be underground. Chair Zwiebel asks where the power will be used. McCourtney states it will be added to their power grid. Sydow notes the land is on a high valued commercial corridor. Per applicant, they are not interested in developing the corner for commercial purposes.

Public: N/A

Commissioners: Garner Moffat states he is excited for this project and notes reusable energy is a great thing.

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

VOTE: (8-0)

(Moffat exits the meeting.)

- D. PL 15-163 Variance From Front Yard Setback Requirements at 2223 Lake Avenue

Staff: Jenn Reed Moses introduces the applicant's proposal for a variance to construct a kitchen addition and deck that would be 8'1" from the front property line instead of the required 25'. Staff recommends denial for the reasons listed in the staff report including conditions on the property do not result in zoning regulations placing a "practical difficulty" on the property.

Applicant: Geof Witrak addresses the commission. He is willing to plant shrubs to help mitigate. He is willing to eliminate the deck extension in order for approval.

Public: N/A

Commissioners: Guggenbuehl feels removing the deck would be a good compromise. He feels there is ample room for the deck elsewhere. He states the hardship is due to the alignment of house to the property lines. Sydow notes they are setting a precedent, and doesn't agree with the hardship. Mike Schraepfer notes the applicant's property is a unique situation and the lot has ample green space. As a governing body that's why they are here. Tim Meyer agrees with Sydow and encourages applicants to make their projects fit with the requirements. He doesn't see a practical difficulty and is also concerned about setting a precedent. Guggenbuehl notes the front of the house faces Minnesota Avenue, but the address is on Lake Avenue. Moses states mailing addresses don't always match up. In the zoning code there is criteria to determine what is considered the front. The home faces/is oriented towards Minnesota Avenue, and meets the criteria for the front of the property.

MOTION/Second: Guggenbuehl/Schraepfer approve for kitchen expansion only (not including the deck) for a property setback of 15' 10" from the farther protruding corner

which is in contrast to staff's recommendations with the practical difficulty being the alignment of the house to the property lines.

VOTE: (5-2, Meyer and Sydow Opposed)

E. PL 15-167 Vacation of Easements for Atlas Plat by DEDA

Staff: Jenn Reed Moses introduces the applicant's proposal to vacate existing easements for Nick Glumac Drive and East Spur Road. These streets are included on the pending plat for Atlas Industrial Park. Staff recommends approval with the condition that the final plat of Atlas Industrial Park be approved by the planning commission and be recorded within the time frame specified in the UDC.

Applicant: Jason Hale of DEDA asks if there are any questions.

Public: N/A

Commissioners: N/A

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

VOTE: (7-0)

F. PL 15-166 Final Plat for Atlas DEDA

Staff: Jenn Reed Moses introduces the applicant's proposal to subdivide the property to prepare for future industrial development. Staff recommends approval with the conditions listed in the staff report excluding condition 1, since they provided a future sidewalk concept location if required. Sydow asks if there is a reason we wouldn't want a sidewalk to be added. Moses notes it is a requirement in the UDC that a road in an industrial district have a sidewalk along one side of the road. This is why they asked for the sidewalk exhibit. The gray area is the road already exists. Janet Kennedy asks about accommodations for a sidewalk. Moses states it promotes pedestrian connectivity. Sydow notes the road is only 2-3 years old. Why wasn't a sidewalk added at that time? Moses states it went from engineering to city council. Director Hamre states this plat predated the UDC. Sydow asks about current development. Will a sidewalk be a requirement for new buildings? Director Hamre states yes.

Applicant: DEDA wants to make sure there is room for a sidewalk. The road needs improvements, too. The assessments will be determined in the future.

Public: N/A

Commissioners: N/A

MOTION/Second: Sydow/Beeman approved as per staff's recommendations removing condition 1.

VOTE: (7-0)

III. Other Business

- A. Park Point Small Area Plan Recommendations: Neighborhood Accesses – Director Hamre gives an overview. A study committee was created in 2014 by the city council. The access points are now called Neighborhood Access Points. They have met with reps from the street end coalition, the park point community club, the parks commission and the comprehensive plan study committee. They discussed environmental conditions as well as design. They were tasked with looking at the 16 access points to determine if they should be moved or changed. He shares the list of what the group recommended which is 15 access points with the modification of 6 access points.

They are working on a final report with a resolution to be brought before city council by the end of December. There was discussion about the 1990 council resolution which required maintaining public vistas, and to not approve obstructions of the rights of way, and discourage vacations of rights of way. With the new resolution they would like to clarify terms that the planning commission and city council would not approve of any full vacations of street rights of way, or concurrent use permits. They would like to clarify the ambiguity of what is an approved right of way, and what is not. Signs or medallions will be installed in the curb or sidewalk identifying neighborhood access points. Chair Zwiebel asks about the bay side of 8th, 9th, and 10th streets. Per Director Hamre, these have been vacated by the marinas and hotels. Chair Zwiebel notes currently there are signs that say private property – keep out. Director Hamre states they need to send letters to property owners to remove obstructions and signs. They are waiting to send them out until they conclude the process. Chair Zwiebel notes the 8th Street and South Lake Avenue – R-O-W. It states keep Right of way. Director Hamre notes it allows cars. Guggenbuehl asks about "Subject to Further Research" – STFR. Their resolution will state no full vacations for any rights of way. Meyer asks if the city council seen this before. Hamre states the city council created the study group and Sharla Gardner most likely will be presenting it before the council in December. Kennedy asks if the study group meet again. Hamre states, no.

IV. Communications

- A. Managers' Report – Director Hamre discusses the comprehensive plan update, vacation dwelling unit moratorium, and park point study committee.
- Future Brown Bag Meeting (none this month)
 - Heather Rand has been named the city's new director of business development. There will be a future vacancy on the planning commission.

B. Consideration of Minutes:

October 13, 2015

MOTION/Second: Guggenbuehl/Schraepfer approve the minutes.

VOTE: (8-0)

October 27, 2015

MOTION/Second: Guggenbuehl/Beeman approve the minutes.

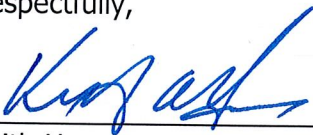
VOTE: (7-0, Sydow abstained)

C. Reports of Officers and Committees

- Heritage Preservation Commission Representative (No Quorum for Oct 27th Meeting)
- Hamre - Party has purchased St. Peter's Church. They are looking at a residential art school.

D. Meeting adjourned at 6:00 p.m.

Respectfully,



Keith Hamre
Director of Planning and Construction Services