

City of Duluth
Planning Commission
June 14, 2016 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 5:03 p.m. on Tuesday, June 14, 2016, in city hall council chambers.

Roll Call

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

Absent: Tim Meyer

Staff Present: Adam Fulton, Steven Robertson, John Kelley, Kyle Deming, Chris Lee and Cindy Stafford

II. Public Hearings

- A. PL 16-040 Minor Subdivision to Divide One Property into Two Parcels in an R-1 Zone District at 2415 West Arrowhead Road by Dale Kreager

Staff: Steven Robertson introduces the applicant's proposal for a minor subdivision to divide his property into two parcels. The owner intends to sell his existing house and keep the remaining property for potential future construction. Staff recommends that the planning commission approve the minor subdivision subject to the conditions listed in the staff report.

Applicant: Dale Kreager present, but did not speak.

Public: N/A

Commissioners: N/A

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

VOTE: (6-0)

- B. PL 16-053 Concurrent Use Permit for Use of Public Right of Way at 9030 Beaudry Street by Westminster Presbyterian Church

Staff: Chris Lee introduces the applicant's proposal to use the right of way at Beaudry Street to place a paved parking lot with 23 stalls on the south side of the road. Staff recommends approval with the conditions listed in the staff report. Garner Moffat asks about parking requirements. Per Lee it meets the minimum and does not exceed the maximum. Terry Guggenbuehl asks if the current users are parking on the gravel now. Per Lee, yes.

Applicant: Paul Rigstad of Westminster Presbyterian Church present and asks if there are any questions. There were none.

Public: N/A

Commissioners: N/A

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

VOTE: (6-0)

(The following two items were introduced as one, but they are separate permits and will need two separate votes.)

(Luke Sydow arrives at 5:30 p.m. during Item C.)

- C. PL 16-049 Interim Use Permit for a Vacation Dwelling Unit at 1235 Minnesota Avenue by Thomas and Marianne Thiry

Staff: John Kelley introduces the applicants' request to use their single-family home as a vacation rental property. Staff recommends approval with the conditions listed in the staff report.

Applicant: Marianne Thiry addresses the commission and welcomes questions. President Zwiebel asks about screening. Per Thiry there is an existing fence and current lilac bushes. They are able to save the evergreen tree, but the maple will need to be removed to provide for parking. Another tree will be planted just past the new parking pad. Janet Kennedy asks about parking on the Allete/MN Power land. Per Thiry, MN Power's property abuts their property. It's a non-use substation. They have a preliminary lease agreement with MN Power for parking permission. Moffat asks how many parking spaces are required. Kelley states for a 1-2 room dwelling there is one space required each for the vacation dwelling unit. Moffat asks if the curb cut can be eliminated. Per Kelley, the applicant would have to apply for a variance to the parking standards for a vacation dwelling unit. Moffat thinks this is a bottle neck area and is concerned with traffic flow. Guggenbuehl sees Moffat's point but he thinks the property should be allowed to have access without seeking a variance. Moffat asks if the applicant is in agreement with the permits being contingent on their parking agreement with Allete. Kelley states the UDC requires parking be located on the owner's property otherwise a variance from that standard is required. Guggenbuehl asks if their neighbors were informed and had any comments. Thiry states yes and one adjoining neighbor was fine with it and the other she wasn't able to connect with.

Public: N/A

Commissioners: Moffat is concerned with the curb cut situation. Marc Beeman asks if all vacation rental dwellings adhere to the same parking requirements. Kelley states yes parking is always required on site, so this is unusual that a curb cut needs to be added to comply. Michael Schraepfer is in agreement with a lease agreement with MN Power to eliminate the curb cut. Community Planning Manager Adam Fulton states the commissioners can agree to table until next month to allow the applicant to bring forth an alternative. Thomas Thiry notes there are other parking alternatives including the year-long lease with Allete. They would like to eliminate the curb cut. A variance request would need to be applied for.

MOTION/Second: Beeman/Guggenbuehl initial motion to agree per staff's recommendation was withdrawn.

MOTION/Second: Moffat/Guggenbuehl recommend approval as per staff's recommendations (1, 2, 6 and 7) with the condition that a variance be approved and a site plan agreed upon to eliminate the need for a curb cut.

VOTE: (7-0)

- D. PL 16-050 Interim Use Permit for an Accessory Vacation Dwelling Unit at 1235 Minnesota Avenue by Thomas and Marianne Thiry

Staff: (This item was presented and discussed with agenda item C.)

Applicant: N/A

Public: N/A

Commissioners: N/A

MOTION/Second: Moffat/Beeman recommend approval as per staff's recommendations (1, 2, 6 and 7) with the condition that a variance be approved and a site plan agreed upon to eliminate the need for a curb cut.

VOTE: (7-0)

- E. PL 16-046 Interim Use Permit for a Vacation Dwelling Unit at 1329 Minnesota Avenue by David Wade

Staff: Kyle Deming introduces the applicant's proposal to use their 3-bedroom, single-family home as a vacation rental property. Staff recommends approval with the conditions listed in the staff report changing #5 to eliminate the deadline of 9/30/17 as long as the applicant provide annual evidence of current payments.

Applicant: David Wade is present and will answer any questions. There were none.

Public: N/A

Commissioners: Guggenbuehl is concerned about the removal of the fence requirement to the south side in case the ownership changes hands. Wade doesn't have a problem with installing a fence, but could cause for snow removal problems.

MOTION/Second: Guggenbuehl/Moffat recommend approval as per staff's recommendations (including the modification of #5 to allow for annual evidence of current payments) with the added condition that the south side fence be installed within a reasonable amount of time if there are complaints from neighbors.

VOTE: (7-0)

(Moffat leaves the meeting at 6:10 p.m. at the beginning of the following item.)

III. Other Business

UDC Text Changes: -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, -50-27.2, 50-27.3 and -27.7 Signs, -50-29 Sustainability, -50-32 International Property Maintenance Code, -50-37.9 Variance Standards

Staff: Steven Robertson gives an overview of the UDC Text changes. At the previous Planning Commission meeting, the Commissioners asked or had questions about landscaping standards for new trees, maximum height in MU-N and MU-C, and off-street parking space requirements for high schools. Robertson stated that based on the Commissioners' comments, the tree standards have been clarified, the additional height for new structures is being amended to require a minor front yard setback for taller structures in order to encourage alternative building designs, and the off-street parking space requirement has been increased from the current standard to require 5 parking spaces per classroom or 1.5 parking spaces per 1,000 square feet, whichever is greater.

Applicant: N/A

Public: N/A

Commissioners: Sydow notes the tiering effect for structures higher than 35 feet. He suggested changing from 20 to a minimum of 12 feet. (MU-N and MU-C districts only).

MOTION/Second: Guggenbuehl/Beeman recommend approval as per staff's recommendations with minor changes discussed above.

VOTE: (6-0)

IV. Communications

A. Manager's Report – Adam Fulton introduces new city planner Kate Van Daele and intern George Knutson to the commission. He gives an overview including a comprehensive plan update. He urges commissioners to check out their facebook page. He gives an update for the Western Port Area Neighborhoods Master Plan (WPAN). Janet Kennedy will be in attendance and is a stakeholder. They will notify commissioners of public meetings.

B. Consideration of Minutes – Special Meeting - May 24, 2016
MOTION/Second: Beeman/Kennedy approved the minutes

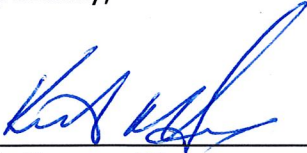
VOTE: (6-0)

C. Reports of Officers and Committees
-Heritage Preservation Commission Representative – N/A.

Chair Zwiebel welcomes new city staff, Van Daele and Knutson.

D. Meeting adjourned at 6:25 p.m.

Respectfully,



Keith Hamre - Director
Planning and Construction Services