

City of Duluth
Planning Commission
October 11, 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 5:00 p.m. on Tuesday, October 11, 2016, in city hall council chambers.

Roll Call

Attending: Marc Beeman, Terry Guggenbuehl, Janet Kennedy, Tim Meyer, Garner Moffat, Mike Schraepfer, Heather Wright Wendel and Zandra Zwiebel

Absent: Luke Sydow

Staff Present: Keith Hamre, Nate LaCoursiere, Steven Robertson, Chris Lee, Kate Van Daele and Cindy Stafford

II. Unfinished Business

- A. PL 16-100 Variance from Coldwater Stream Shoreland Structure Setback at 1807 Springvale Road by Jaron Larson

Staff: Steven Robertson introduces the applicant's proposal. Last month this item was tabled for the applicant to reduce the amount of impervious surface on the property and the garage size requested. The applicant has submitted a revised site plan with increased shoreland impact mitigation. If the garage variance is approved the applicant will remove 764 square feet of asphalt driveway, resulting in a net increase of less than 200 square feet of impervious surface on a lot that is over 50,000 square feet. Staff continues to recommend approval.

Applicant: Jaron Larson addresses the commission and asks if there are any questions. There were none.

Public: N/A

Commissioners: N/A

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

VOTE: (8-0)

- B. PL 16-086 Variance from Coldwater Stream Shoreland Structure Setback at 5327 Kingston Street by James and Janice Larson

Staff: Kate Van Daele introduces the applicant's proposal. In August the item was tabled in order for the applicant to determine if they would be installing a rain garden. In September the applicant was granted a 60-day extension to the normal deadlines required by the city which is allowed by state statute. Since September the applicant has provided a rain garden site plan and has chosen to remove the small shed on the northwest corner of their parcel and will demolish the north addition to the other existing shed on their property to decrease the overall impervious surface on their property. With the proposed changes, staff recommends approval with the conditions listed in the staff report. Heather Wright Wendel asks about the concrete pad. Van Daele defers to the applicant.

Applicant: Bill Burns (attorney for applicant) addresses the commission. He thanks staff for their efforts. There is profound improvement on the site. They would like to keep the concrete pad. Burns states the neighbors are in support of the application.

Public: N/A

Commissioners: Janet Kennedy is concerned about setting a precedent. If the concrete pad is removed, they can still enjoy the space. Marc Beeman asks if there is an alley easement there. Van Daele states no. Chair Zwiebel asks if the side yard setback is six feet. Van Daele states three feet. Garner Moffat is impressed with the amount of mitigation. He feels comfortable now. Kennedy is also impressed with changes, but wanted to make sure they consider all factors.

MOTION/Second: Kennedy/Beeman approved as per staff's recommendations.

VOTE: (8-0)

III. Public Hearings

- A. PL 16-115 UDC Map Amendment to Rezone from Rural Residential 1 (RR-1) to Mixed Use Business (MU-B) Property Northeast of Rice Lake Road and Norton Road by the City of Duluth

Staff: Steven Robertson introduces the city's proposal to rezone this property from Rural-Residential (RR-1) to Mixed Use Business Park (MU-B). Staff recommends approval based on the findings in the staff report and the fact that the rezoning would be in conformance to the 2006 comprehensive land use plan. He mentions the three citizen comments he received and explains they are present tonight. He notes single family dwellings aren't allowed in MU-B, but can continue to exist as a legal non-conforming use. Chair Zwiebel asks if the current owners would be allowed to sell their house. Robertson says yes, non-conforming exists they just can't expand.

Applicant: N/A

Public: Austin Manson, 3946 Norton Rd, addresses the commission. He believes this is "spot zoning" to benefit the owner. He notes the surrounding area is zoned RR-1. He notes the 2006 Comprehensive plan principles #2 (Declare the necessity and secure the future of undeveloped places) and #5 (Strengthen neighborhoods). He elaborates on #5 and lists Duluth being strongly defined by its neighborhoods. New development should not divide historic neighborhood patterns. He notes the rezoning would conflict with airport zoning airspace rules. He is against the rezoning. Jeannette Olson, 323 Thurber Rd., addresses the commission. She is a 30-year resident and enjoys her neighbors. She feels rezoning the area to MU-B would not keep the neighborhood intact. She is opposed. Monica Przybyl - 3947 Norton Rd. – no way this would make a good business park. She is strongly opposed. She is a two-year resident. She thinks the rezoning will decrease the value of her home. Alex Grajnert - 3902 Norton Rd. – addresses the commission. They live a few parcels away and considers it one big community. He is opposed to the rezoning. Rob Przybyl - 3947 Norton Rd. – addresses the commission. He finds the rezoning unfair and is opposed. Brian Walschke - 3831 Norton Rd – addresses the commission. He purchased his property in June. They finally bought a rural dream property. This is an amazing neighborhood and is opposed to the rezoning. Linda Ross Sellner - 402 Arrowhead Rd. – addresses the commission. She is concerned that fill and grading is harming the wetlands. They need the wetlands to keep the streams clean. She is concerned with maintaining and protecting the green space. She opposes the rezoning. Ray McClelland - 4766 Rice Lake Rd. – addresses the commission.

He owns property above Norton Road which is zoned A. He would like it be rezoned at the same time, so he can sell it. John Stauber - 2916 Palisade Dr. – addresses the commission. He owns the property at 3955 Norton Rd. He pleaded with the commission back in July to table the rezoning of Storage King and to proceed if the right manner. He feels now they are boxed in between businesses. He has septic permits, but will now not consider building a home there. He is in support of the rezoning.

Commissioners: Chair Zweibel asks if the city plans to expand the water lines. Robertson states there are no water and sewer plans. Robertson states there are challenges for septic systems. Robertson states this is not spot-zoning because of the surrounding zone districts and designated future land use categories. Beeman asks who came up with the plan. Chair Zwiebel states the comp plan for 2006 is their guideline for rezoning. Robertson concurs its part of the master plan. Moffat notes the timing of the comp plan update. The city has made progress and thinks an inventory is in order to consider the ratio between mixed-use business versus housing. Robertson states the airpark currently has a surplus of lots zoned MU-B. Mike Schraepfer comments he would like to see a larger area be considered. This could be considered for the next comp plan update. He doesn't feel they should rezone a perfectly good neighborhood to connect other business zones. Tim Meyer also has concerns. This area is already in an airport zone. Thinks they should be decreasing density. Why go with rural residential versus mixed-use business? Terry Guggenbuehl comments he may be in the minority, but he supports it. Back in July he thought the Storage King rezoning was spot zoning. Two things make him comfortable, no developer yet, and the city council can look at it from less of a planning aspect and can turn it over if they choose. Chair Zwiebel asks if they rezone, could property owners still build a home? Per Robertson, if the City council approves the rezoning, it won't go into effect until after 30 days. Could a property owner apply for a variance to build a home? Robertson, no the variances don't apply for uses, but to bulk standards such as height, lot frontage, and setbacks. Moffat asks why staff feels the need to move forward now. Director Keith Hamre states the commissioners have shared good comments and concerns. They could consider further research. They will take into account all factors, including market changes, in the updated comprehensive plan. Per Moffat, as long as staff is re-evaluating uses in a bigger picture for the new comp plan, he agrees with holding off on rezoning efforts that aren't for a particular project. Kennedy doesn't feel the need to address this rezoning now, and agrees with waiting.

MOTION/Second: Meyer/Kennedy table for more information and/or adoption of the new comprehensive plan next year.

VOTE: (8-0)

- B. PL 16-111 Variance from Coldwater Shoreland Setback to Build an Addition at 3710 94th Avenue West by Cory and Sancia Tondryk

Staff: Kate Van Daele introduces the applicants' proposal to construct a 20' x 20' addition on to the side of their current 600 square foot home. The home is currently within the 150' shoreland setback area from Stewart Creek. In order to proceed with the addition, the applicant has applied for a Shoreland Variance due to the closest corner of the addition being 141' from Stewart Creek. The applicant is in need of an addition to give his family of five more space. This addition would bring much needed relief and personal space to the family. Staff recommends approval with the two conditions listed in the staff report which is merging the two parcels into one and the applicant remove

any personal affects into the house or garage instead of being left out in the open. Wright Wendel confirms no trees will be removed. Van Daele confirms, just the hydrangea bush. Kennedy asks if the deck will it be removed. Van Deale states no. The addition will go behind the deck. The staff report should say existing deck and not old deck, as it will not change.

Applicant: Cory Tondryk addresses the commission. They are going to try to save the hydrangea bush by moving it. He agrees to moving his stuff from the alley if he has more room to store it.

Public: N/A

Commissioners: Kennedy asks for clarification on the setback numbers. Per Van Daele, originally the applicant said it was 141 feet. Per Van Daele, staff used GIS and came up with a different numbers 148 – 157 feet. Director Hamre refers to the diagram, everything in the shading is within 150' of the creek, which is almost their entire property. The addition can't be moved anywhere else. Moffat notes the addition is smaller than the garage. He feels this is a reasonable request.

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

VOTE: (8-0)

- C. PL 16-106 Interim Use Permit for Vacation Dwelling Unit at 712 South 63rd Avenue West by Constance Moeller

Staff: Chris Lee introduces the applicant's proposal to use her house as a vacation rental property. The dwelling unit has two bedrooms, which would allow for a maximum of five people. Staff recommends approval with the three conditions listed in the staff report.

Applicant: N/A

Public: N/A

Commissioners: Kennedy asks if the neighbors were notified. Lee states yes. A sign was posted, and the neighbors were sent a notice in the mail as well.

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

VOTE: (8-0)

- D. PL 16-101 Interim Use Permit for Vacation Dwelling Unit at 241 Arrowhead Road by Susan Yunis

Staff: Chris Lee introduces the applicant's proposal to use her house as a vacation rental property. The dwelling unit has three bedrooms, which would allow for a maximum of seven people. Staff recommends approval with the three conditions listed in the staff report.

Applicant: Susan Yunis present and asks if there are any questions. There are none.

Public: N/A

Commissioners: N/A

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

VOTE: (8-0)

- E. PL 16-116 Variance from Off-Street Parking Requirements to Provide Fewer Off Street Parking Spaces than Required at 1509-1511 East Superior Street by Redstone House LLC and Dean Jablonsky

Staff: Chris Lee introduces the applicant's proposal for a variance from the parking requirements in a MU-N District. Eleven parking spaces are required, the applicant will provide five on the site and will move six spaces to on-street parking. The relief is due to the circumstances on the property as the lot is narrow and the historic building takes up a large portion of the space. An email and phone call was received they weren't in favor or opposed. Staff recommends approval.

Applicant: Dean Jablonsky addresses the commission. He thanks staff for their efforts. He notes the property is on the national historic register and he wants to retain its glory. He feels parking is adequate and notes the prior business had upwards of 30 cars seeking parking. He wants to maintain the vibrant corridor. Guggenbuehl states parking is tight and notes Anytime Fitness. He asks the applicant if he considered less units. Jablonsky states it wouldn't be financially viable. Wright Wendel asks about public transit access and notes bike parking. The applicant is seeking young professionals who require multi-modal transportation. The applicant wants to encourage bike use.

Public: N/A

Commissioners: Moffat states this is a good example of historic density. The building is so large, that it creates a burden to find a use for it. He is supportive of preservation efforts to save the structure.

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

VOTE: (8-0)

IV. Communications

- A. **Manager's Report** – Director Hamre notes the potential amendment to the Bluestone Regulating Plan which is in the MU-P. It's in the higher education overlay which will require a neighborhood meeting. Tract 2 and 6 are left to develop. Discussion item to allow a taller, but smaller building. He invites Mark Lambert to present an overview to the planning commission.
- Mark Lambert addresses the commission. They have yet another amendment to add to their regulating plan. It's been a long work in process. They began construction in 2011. Customers and residents are their driving force. He is envisioning what his last phase will be, and is looking at their options. They are ok with density and uses, but notes the 75-foot height limit currently in place. He feels the last site deserved his best shot. The views are phenomenal and he would like to do something special. He is proposing an apartment building with 120 units, 20,000 square feet of retail and two-stories of parking. Because of the surrounding buildings and the grade, it will not seem to be too far out of character. Moffat is comfortable looking at the height issue. He is concerned about the retail space. There is a good pedestrian feel and is there a way to redesign the commercial/residential? Lambert notes there will be 220 parking stalls after 3 p.m. and on weekends. Guggenbuehl asks about the neighborhood meeting. Lambert states invitations are going out tomorrow for property owners within 350 feet. The meeting will be Monday night at 6:30 p.m. at Bluestone Lofts. He will make sure commissioners get the invite. Meyer notes not all neighbors may be in agreement with a taller building. He thinks this may be a perfect place for a taller building. Wright Wendell lives in the area. She hopes with a taller building there won't be bright neon displayed. Per Lambert

regarding Bluestone flats they can dim blue neon light. Chair Zwiebel feels the current development is great. Regarding the building height, there are no homes within the view shed. She asks Lambert if he is concerned with the Lofts residents' view being obstructed. Lambert states it may lessen their current 230-degree view by about ten percent. He wants to share the amazing view with others. Lambert thanks the planning commission.

- Director Hamre shares with the commissioners their next meeting was moved to 11/15/16 to accommodate for the presidential election. There will be a brown bag meeting on 10/26/16 to discuss the comp plan guiding principles. They will focus on principles 4, 5 and 11. Their comments will be shared with the vision committee.

B. Consideration of Minutes -September 13, 2016

MOTION/Second: Kennedy/Schraepfer approve the minutes.

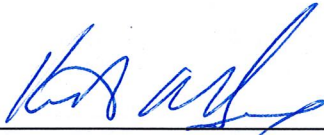
VOTE: (8-0)

C. Reports of Officers and Committees

Heritage Preservation Commission Representative – Terry Guggenbuehl states there was not a quorum for their last meeting.

D. Meeting adjourned at 7:26 p.m.

Respectfully,



Keith Hamre - Director
Planning and Construction Services