

City of Duluth
Planning Commission
August 8, 2017 Meeting Minutes
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 p.m. on Tuesday, August 8, 2017, in city hall council chambers.

Roll Call

Attending: Terry Guggenbuehl, Tim Meyer, Garner Moffat, Margie Nelson, Michael Schraepfer, Luke Sydow (arrived after the approval of the minutes), Heather Wright Wendel (left after item K), and Zandra Zwiebel

Absent: Janet Kennedy

Staff Present: Keith Hamre, Nate LaCoursiere, Steven Robertson, John Kelley, Kyle Deming, Kate Van Daele, and Cindy Stafford

II. Approval of Planning Commission Minutes – July 11, 2017

MOTION/Second: Meyer/Nelson approved the minutes

VOTE: (7-0)

III. Presentation of Zenith Award for Comprehensive Plan Implementation

Director Keith Hamre presents Zenith awards to Jeffrey Larson of the Great Lakes Academy of Fine Art and Tom Hanson of the OMC Smokehouse.

IV. Sky Harbor Runway Update, 10-15 Minute Presentation on Construction Project by S.E.H.

Bonita Crow gives a project overview. No trees will be removed and fill will be brought in to allow the runway to extend into the bay. It will be a 3-phased project with periodic runway closures during phases I & II. The project should be completed in 2019. There will be extensive public outreach. Garner Moffat asks Crow about the profitability of the airport. Crow notes to her knowledge its roughly breaking even and includes revenue from the hangars and fuel sales. Impacts from closure would be costly (roughly 8 million dollars), since they would need to pay back grants received for not staying open for a certain amount of time. Tim Meyer asks about safety. Crow there needs to be tree clearance in order to meet safety standards. This project preserves the trees and redirects the runway into the bay by using fill.

V. Unfinished Business (Tabled From July 11, 2017, PC Meeting)

~~A. PL 17-092 Variance from Parking Standards (Width of Parking Lot Drive Aisle from the 24 feet required to 10 feet) at 318 N 18th Avenue East by Imran Khan~~

~~**Staff:** Steven Robertson explains the applicant withdrew his application for a variance. He has changed his design to conform.~~

B. PL 17-079 Special Use Permit for a Restaurant in a Mixed Use Neighborhood District (MU-N) and in the Higher Education Overlay District (HE-O) at 318 N 18th Avenue East by Imran Khan

Staff: Steven Robertson introduces the applicant's proposal for a special use permit. The new site plan has access to the neighbor's property with either a five-year lease or

complete easement. Staff recommends approval with the amended site plan and the conditions listed in the July staff report including two additional conditions in this month's staff report.

Applicant: Imran Khan addresses the commission. He would like his business hours to be extended until midnight.

Public: Bob Holsinger, 720 N 18th Ave. E., addresses the commission. He is concerned about noise. He thinks serving alcohol until late in the evening is not a good idea for the residents in the area.

Commissioners: Chair Guggenbuehl notes the HPC was supportive of the reuse of the building. Zandra Zwiebel criteria for obtaining a liquor license. Is there a limited number? Director Keith Hamre explains off-sale licenses are limited. City council will ultimately approve the liquor license. Zwiebel notes the letter of opposition they received and asks about the Higher Education Overlay (HE-O). Per Robertson the rules are geared more towards new development. Luke Sydow asks about the site plan. He feels there should be 7 parking stalls. Robertson would like the land use supervisor to approve the site plan. Sydow shares a new design which would include having all the parking spots line up and would include a place for snow storage. Zwiebel asks about valet parking. Robertson states it wasn't certain how it would work and has been rescinded. Meyer states he would be more inclined to approve with a modified approved site plan. Zwiebel appreciates the hours being limited. Sydow notes employees also need to adhere to the limited hours.

MOTION/Second: Meyer/Sydow approved as per staff's recommendations which include limited operating hours.

VOTE: (8-0)

VI. Public Hearings

- A. PL 17-111 Vacation of Platted Alley Right of Way at NE Corner of West Central and Anderson Road by Launch Properties

Staff: Jenn Moses introduces the applicant's proposal to vacate an undeveloped alley between Myrtle Street and Teak Street, running parallel to West Central Entrance in Duluth Heights Sixth Division. A utility easement would be retained over the eastern portion of the alley. Staff recommends approval with the conditions listed in the staff report.

Applicant: N/A

Public: No speakers

Commissioners: N/A

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

VOTE: (8-0)

- B. PL 17-121 Vacation of a Utility Easement at NE Corner of West Central and Anderson Road by Launch Properties

Staff: Jenn Moses introduces the applicant's proposal to vacate a utility easement that was dedicated in 1921. Utility easement currently contains Minnesota Power lines, which the applicant plans to relocate in coordination with Minnesota Power. Staff recommends approval with the conditions listed in the staff report.

Applicant: N/A

Public: No speakers.

Commissioners: N/A

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

VOTE: (8-0)

- C. PL 17-110 Special Use Permit for Restaurant in an MU-N District at NE Corner of West Central and Anderson Road by Launch Properties

Staff: Jenn Moses introduces the applicant's proposal to establish a restaurant in the MU-N district located in the Duluth Heights neighborhood. Square footage of the entire development is approximately 9,100 square feet; this special use permit would cover approximately 2,200 square feet for a proposed coffee shop with a drive-through. Staff recommends approval with the conditions listed in the staff report. Heather Wright Wendel asks about dedicated city tree replacement. Are there projects funded by the tree account? Robertson notes there is a site by London Road. Director Hamre shares there will be additional tree replacement within the Coffee Creek watershed. Margie Nelson asks if the SUP is denied, could the building be used for something else. Moses affirms. Meyer asks if there are grading and drainage designs yet. Moses affirms and states the city stormwater engineer finds the plan sufficient. Wright Wendel asks about the comprehensive plan's governing principles. Moses replies they are an overall guide and not a regulation. Sydow comments on the area to the north (stormwater pond) and thinks internal landscaping is not feasible. He is also concerned about the utilities and the mechanicals being seen from the elevated view of central entrance.

Applicant: Scott Moe of Launch Properties addresses the commission and invites questions. Chair Guggenbuehl asks about the landscaping calculations. Will Matzek of Kimley-Horn and Associates states landscaping was included along Myrtle Street instead of having parking up to the setback which the ordinance allows. They are willing to work with staff to make modifications. Chair Guggenbuehl noted other public comments. Were sidewalks considered along Myrtle? The sidewalk will be from Central Entrance to the front of the development. They are concerned about pedestrians crossing the drive-thru area. Wright Wendel asks about the three doors shown in the St. Cloud development photo. The applicant states those are employee entrances, and not meant for the public. Wright Wendel notes connectivity is an issue for people without cars. Moe affirms the front entrance makes more sense as it's not a huge building. One entrance is safer. Sydow discusses the utility screening. The applicant states it will be screened by a wall which will hide the mechanicals.

Public: Lynn Allerson, 404 W. Myrtle, addresses the commission. She is concerned about traffic flow. Moses states the small area plan did support development in this area. Backage roads were discussed. Zwiebel asks what the benefits of backage roads are. Moses notes there is a lot of traffic off of Central Entrance. The benefits would be to reduce the number of driveways. Linda Ross Sellner, 402 Arrowhead Rd., addresses the commission. She is opposed to permitting this project. This project will increase the impervious surface and impact the wetland next to Coffee Creek which is a designated trout stream. Erosion control measures are not working.

Commissioners: Moffat asks about parcel ownership. Moses they are working with the County and City to acquire adjacent parcels. Wright Wendel asks about parking. Moses refers to item 5 in the staff report. They are proposing 55 spaces. Robertson explains the wetland status, stating that the TEP follows state regulations, which focus on avoiding and minimizing. Project meets requirements. Zwiebel states with the access from West Central Entrance it's hard to vote in favor of the project without another

access. Moffat okay with proposed uses, but isn't comfortable with the sight line from Central Entrance. The cookie cutter building doesn't fit within the community. He will be voting against it. Director Hamre suggests tabling the item for site plan modifications is an option. Meyer doesn't like the building's orientation (back faces Central Entrance). He is in support of tabling.

MOTION/Second: Meyer/Zwiebel table for a better site design.

VOTE: (8-0)

- D. PL 17-101 UDC Text Amendment to Amend the Concept Plan for Rockridge School, to Allow Daycare/Specialized Education of up to 175 Students by ISD 709

Staff: Steven Robertson introduces the applicant's proposal to amend an approved regulatory plan to change the use and density of the approved concept plan. The applicant is requesting that Day Care/Specialized Education of up to 175 people be allowed. Any amendment to the Regulating Plan that involves changes to land use, density, or height is required to follow the rezoning process and receive approval from city council. Staff recommends approval due to the reasons listed in the staff report, including material adverse impacts on nearby properties are not anticipated.

Applicant: Doug Hasler (business director) and David Spooner (property manager) of ISD 709 address the commission and ask if there are any questions. There are none.

Public: No speakers.

Commissioners: Zwiebel appreciates staff comments about better signage between public and private property.

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

VOTE: (8-0)

- E. PL 17-106 Vacation of Public Street Right of Way for Unimproved Public Right of Way on the South side of Arrowhead Rd. ¼ mile west of Arlington Ave. by Pentecostal Assembly of God/Duluth Gospel Tabernacle

Staff: Kyle Deming introduces the applicant's proposal to vacate Pringle Avenue, Lowndes Avenue, Blodgett Avenue, and Gadsden Avenue in Kensington Place Addition in conjunction with the replatting of most of Kensington Place Addition into the plat of Harbor Light" for development of a new church and other new development. Staff recommends approval with the conditions listed in the staff report.

Applicant: Present, but did not speak.

Public: No speakers.

Commissioners: N/A

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

VOTE: (8-0)

- F. PL 17-107 Final Plat (Harbor Light) on the south side of Arrowhead Rd. ¼ mile west of Arlington Ave. by Pentecostal Assembly of God/Duluth Gospel Tabernacle

Staff: Kyle Deming introduces the applicant's proposal to re-plat 39.2 acres of vacant forested land in the Kensington Place Addition into four lots ranging from 3.3 acres to 20 acres in a new plat called "Harbor Light" for development of a new church and mixed-use of the property.

Applicant: Brad Johnson representing the Duluth Gospel Tabernacle addresses the commission. He is in agreement with tabling due to issues regarding the overall plan came up. There will be conversation with neighbors prior to next meeting regarding access to properties. Will there be a signaled entry way? He would like to accommodate discussion, so it's done correctly.

Public: Rick Johnston, 1745 Saginaw Rd., addresses the commission. He would like to discuss a traffic light with his neighbors. Linda Ross Sellner, 402 Arrowhead Rd., addresses the commission. She is in agreement to tabling. How did we get here? The comp plan future land use had to be changed. Zoning changes were made and now at the stage for a final plat. This is historically a green space and is on a slope. The building footprint will increase impervious surface. This is a disadvantage. She hopes in the future they can favor greenspace and not developers. Paul Newberg, 145 W Marble St., addresses the commission. He organized a block party and nobody wants this development to go through. With a potential road from Marble to Arrowhead they are worried about traffic and children safety. He spoke with Councilor Howie Hanson, Mayor Emily Larson and city planner Steven Robertson. He doesn't want a road to go through and have there be trees destroyed. Patricia Gosz, 233 Sitka St., addresses the commission. She doesn't want a road going through and thinks safety is a concern.

Commissioners: N/A

MOTION/Second: Wright Wendel/Moffat tabled

VOTE: (8-0)

~~G. PL 17-105 Mixed Use Commercial (MU-C) Planning Review for a New Retail Store (UPS) at 213 North Arlington by Joseph Kleiman~~

~~**Withdrawn by Applicant, 8/8/17**~~

H. PL 17-102 Special Use Permit for Middle School (Grades 5-8) at 1 West Chisholm Street by St John the Evangelist Church

Staff: John Kelley introduces the applicant's proposal to operate a middle school, grades 5 through 8, at the existing St. John's campus located in the Woodland neighborhood. The special use permit is needed to operate the middle school in the R-1 District. Staff recommends approval with the conditions listed in the staff report.

Applicant: Bob Lisi of St. John The Evangelist Church addresses the commission. They are not adding additional grades as per a comment made from a neighbor. The balance will not change. Regarding traffic management, older students create less traffic as there will be more bus usage (and less parents dropping of preschoolers). Zwiebel asks where the preschoolers are moving to. Lisi states the Holy Rosary campus.

Public: No speakers.

Commissioners: N/A

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

VOTE: (8-0)

I. PL 17-095 Variance from Coldwater Shoreland Setback at 5729 Oakley Street for a Deck by Patrick Nelson

Staff: John Kelley introduces the applicant's proposal for a variance from shoreland regulations which require a setback of 150 feet from a coldwater stream. The applicant has plans to remove the existing deck and concrete patio at the rear of their home and

construct a deck and landing. The northwest corner of the proposed deck is approximately 52' away from Amity Creek at the closest point. Staff recommends approval with the conditions listed in the staff report which include the applicant will stop mowing in the rear yard area north of the property line and within the unimproved city right-of-way to allow for a naturally vegetated stream buffer to be established. Moffat asks if a rain garden was discussed. Kelley stated the mitigation plan was discussed with city engineer Tom Johnson.

Applicant: Patrick Nelson addresses the commission. They plan to put rain barrels on both sides of the house.

Public: No speakers.

Commissioners: Sydow likes the overall reduction.

MOTION/Second: Sydow/Zwiebel approved as per staff's recommendations.

VOTE: (8-0)

- J. PL 17-109 Variance from Residential-Traditional (R-1) Rear and Side Yard Setbacks at 103 West Oxford Street for a 3 Season Addition by David Hill

Staff: John Kelley introduces the applicant's proposal for a variance from the side and rear yard setbacks to rebuild a 9' – 4" x 17' three-season room in an R-1 District. Staff recommends approval with the conditions listed in the staff report.

Applicant: David Hill addresses the commission and thanks staff for their assistance. He asks if there are any questions. There are none.

Public: Jim Alcala Sales, 2240 Waverly Ave., addresses the commission. He is in support, and it will be nice to see more damage from the storm gone. Tina Alcala Sales, 2240 Waverly Ave., addresses the commission. She is in full support of her neighbors getting their 3-season porch back. Virginia Makela, 101 W Oxford St., addresses the commission. (She also submitted a written comment found in the staff report.) She is happy to see the project finished, as long as it doesn't adversely affect the value of her home.

Commissioners: N/A

MOTION/Second: Wright Wendel/Zwiebel approved as per staff's recommendations.

VOTE: (8-0)

- K. PL 17-108 Concurrent Use Permit for Deck at 1832 West Michigan Street by Bent Paddle Brewing

Staff: Steven Robertson introduces the applicant's proposal to construct a deck (approximately 10' x 110') at the location of an existing loading dock, which is located within the right of way. The property is located in the Lincoln Park Neighborhood. Staff recommends approval with the conditions listed in the staff report.

Applicant: Laura Mullen addresses the commission. Their taproom has become exponentially busy. This outdoor patio would be a great addition. They agree with city's recommendations. Their architect, Doug Zaun, was also in attendance if there are any questions. There are none.

Public: No speakers.

Commissioners: N/A

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

VOTE: (8-0)

Wright Wendel left the meeting.

- L. PL 17-097 Interim Use Permit for Vacation Dwelling at 8721 West Skyline Parkway by Lisa Dupuis

Staff: Kate Van Daele introduces the applicant's proposal for an interim use permit for a vacation dwelling unit. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of two consecutive nights. The dwelling unit has three bedrooms which allows for a maximum of seven people. Staff recommends approval with the conditions listed in the staff report.

Applicant: Lisa Dupuis addresses the commission. She thanks staff and asks the commissioners if they have any questions. There are none.

Public: No speakers.

Commissioners: N/A

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

VOTE: (7-0)

- M. PL 17-099 Interim Use Permit for Vacation Dwelling at 420 West 9th Street by Ben Gasner

Staff: Kate Van Daele introduces the applicant's proposal for an interim use permit for a vacation dwelling unit. The dwelling unit has one bedroom which allows for a maximum of three people. Staff recommends approval with the conditions listed in the staff report.

Applicant: Not present.

Public: No speakers.

Commissioners: Zwiebel asks about erosion. Van Daele notes the aerial photo is from 2016.

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

VOTE: (7-0)

- N. PL 17-100 Interim Use Permit for Vacation Dwelling at 1108 West 8th Street by Twin City Development Company LLC and Hooshang Mehralian

Staff: Kate Van Daele introduces the applicant's proposal for an interim use permit for a vacation dwelling unit. The dwelling unit has five bedrooms which allows for a maximum of 11 people. Staff recommends approval with the conditions listed in the staff report. The neighborhood concerns they received were based mostly on former rental clientele.

Applicant: Amanda Dlouhy addresses the commission. She gives an overview of the operation. They are continuing to remodel the house. She feels the exterior and interior design will benefit the neighborhood. They will market it as an upscale property. Sydow asks if there is a local agent within 25 miles. Dlouhy confirms.

Public: Carrie Moen, 1108 W Skyline Pkwy, addresses the commission. She is concerned with maximum being 11. She thinks it will expand and sees a big crowd gathering which is a concern. She is concerned about traffic from renters who don't feel an ownership pride. She is also concerned about the value of her home. Who polices the number of tenants? Is it up to the neighbors to call 911? Laurie Berg, 1111 W Skyline

Pkwy., addresses the commission. Previous renters did throw parties. She thinks it will bring more traffic, which she is concerned about.

Commissioners: Zwiebel states if the neighbors have concerns they can call the police. There are 3 strikes allowed. There are great advantages to this type of rental. Property value increases with added building improvements. Meyer asks the applicant if she was aware of neighbor opposition and has she had communication with them. The applicant states they haven't had direct communication, and they are willing to speak with the neighbors. They are going to tier their pricing based on the number of guests up to 11 people. Van Daele addresses the concerned neighbors' comments and notes there will be a managing agent, which they will have direct contact with. The goal is to contact the managing agent first; and if not remedied, the police can be called. She appreciates their concerns; but feels the managing agent and ultimately the police, will keep the vacation rental running smoothly.

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

VOTE: (7-0)

- O. PL 17-116 Partial Vacation of a Utility Easement at 21 Riverside Drive by the City of Duluth and Ron Karkhoff

Staff: Steven Robertson introduces the applicants' proposal for a partial vacation of a platted utility easement to allow room for a future home expansion. Staff recommends approval without conditions. Meyer asks if there is a reason the city couldn't vacate it all at the same time. Robertson states due to steam piping, it needs to be a case by case situation.

Applicant: Rebekah and Ron Karkhoff address the commission. They bought the house eight years ago. They have tried to keep the home as original as possible, but would like to add a small addition.

Public: Betty Aho, 18 England Ave, addresses the commission. She feels the applicant has improved their house, and is in support.

Commissioners: Nelson would like to see the city look into future vacations for the neighbors.

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

VOTE: (7-0)

- P. PL 17-119 UDC Text Amendment to Amend Form Districts, 50-22

Staff: Steven Robertson introduces the city's proposal to make three changes to the UDC in regards to form district standards. 1) Change how the maximum structure height is measured; 2) Allow Corridor Building II in the F-6 (Mid Rise Neighborhood) district; and 3) Address an oversight with heights for Main Street II and Corridor II.

Applicant: N/A

Public: No speakers

Commissioners: Michael Schraepfer asks what the difference is between corridor I and corridor II buildings. Robertson states there is a height difference. Meyer also notes there is a difference in building type. Director Hamre noted the Steve O'Neal corridor II building predated the form district. An F-6 zone wouldn't have allowed that building. Sydow asks if a public hearing was needed to change from 3-story to 4 story. Robertson states the public hearing was held three years ago.

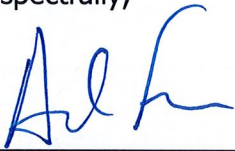
MOTION/Second: Nelson/Moffat recommend approval as per staff's recommendations.

VOTE: (7-0)

VII. Communications

- A. Manager's Report – Director Hamre shares with the commission Manager Adam Fulton's report. He states the appeal for Barbo variance (regarding the cartway) will go to the city council on 8/28/17.
- B. Reports of Officers and Committees –
Heritage Preservation Commission Representative Chair Guggenbuehl gives an overview.
- C. Meeting adjourned at 8:09 p.m.

Respectfully,



Adam Fulton - Manager
Community Planning Division