

City of Duluth
Planning Commission
September 12, 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 5:01 p.m. on Tuesday, September 12, 2017, in city hall council chambers.

Roll Call

Attending: Terry Guggenbuehl, Tim Meyer, Garner Moffat, Michael Schraepfer, Luke Sydow, Heather Wright Wendel, and Zandra Zwiebel (arrived late during item IV. A)

Absent: Janet Kennedy, Margie Nelson, and Luke Sydow

Staff Present: Adam Fulton, Nate LaCoursiere, Steven Robertson, Jenn Moses, Kate Van Daele, Chris Lee and Cindy Stafford

II. Approval of Planning Commission Minutes – August 8, 2017

MOTION/Second: Meyer/Wright Wendel approved the minutes

VOTE: (5-0)

III. Unfinished Business (From August 8, 2017, PC Meeting)

A. 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 for a special use permit for a restaurant. The Applicant has submitted revised plans and drawing for the project. Staff still recommends approval based on the updated plans. Tim Meyer asks about the central entrance elevation view and the exposed HVAC equipment. Moses states they have relocated the mechanical equipment in their new plan.

Applicant: Scott Moe of Launch Properties addresses the commission. They are screening what would be visible. Meyer thanks the applicant for the upgraded façade improvement. Moe states wetland review is an arduous process. They have gone above what is required and plan on spending money on wetland credits. There is a cookie cutter quality because the tenants want it to be identifiable as their business. Meyer states it is a big improvement over the initial design.

Public: No speakers.

Commissioners: Garner Moffat is still concerned about the driveway location as well as the cookie cutter aspects. Meyer thinks the applicant has made positive changes and can support it.

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

VOTE: (4-1, Moffat Opposed)

B. 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 (**Note:** this item remains tabled, and will not be discussed until the October 10, 2017, planning commission meeting)

IV. Public Hearings

A. PL 17-129 Preliminary Plat 1243 88th Avenue West Morgan Park

Staff: Jenn Moses introduces the applicant's proposal to subdivide the property into nine parcels in preparation for future apartment buildings on the site of the former Morgan Park School. The applicant is planning on 12-unit buildings for a total of 108 units. Staff recommends approval with the conditions listed in the staff report. Meyer asks what kind of public input has been gathered in Morgan Park. Moses states it's not required, but they do plan holding neighborhood meetings.

Applicant: John Maas of Premier Development addresses the commission. He asks if there are any questions. Chris Slater of Premier Development addresses the commission and shows pictures of other buildings they have constructed and the new development will be similar. They look forward to a collaborative partnership with Duluth. Meyer asks what efforts have they made to blend their buildings into Morgan Park's vernacular. Slater states they can tweak the exterior subtly to help blend into the neighborhood.

Public: Sydney Seliskar, 1343 90th Ave. W., addresses the commission. She was not informed of the new development by the applicant. She received the notice in the mail from planning staff. Her opinion is conflicted. Morgan Park needs housing. She is concerned about access points and is concerned about Hilton Street. She is also concerned about the added traffic. She would like the developer to take another look at their access points and would like the neighborhood to have more input.

Commissioners: Zandra Zwiebel asks staff to summarize the history of neighborhood communication. Moses states in 2016 there was the preliminary plat. At that time there were several neighborhood meetings. In 2015 there was a zoning change. In 2011 staff performed land use studies and conducted a series of meetings seeking input on what the neighborhood envisioned. There was support for multi-family housing. Heather Wright Wendel notes the exit points and asks if there are other configurations the developer can use. Moses since the concept plan they have made changes to better serve the neighborhood. Chair Guggenguehl asks about access on Hilton Street. Can these be reconfigured? Maas states they started with a clean slate and came up with about five different options. They reconfigured the ponds to add a walkway. The site plan isn't finalized until it's built. They performed a traffic study. During peak hours there was never more than one vehicle per minute at any of the proposed entrances. They do plan to have a community meeting sometime in November. Slater thinks they can eliminate two exits, but needs to look at the ordinance rules. Moffat is concerned about the plat and the way the lots are laid out. He isn't concerned about the building count. He is favor of tabling. Adam Fulton (community planning manager) states they can either approve with conditions or table with definitive reasons of what they want to see. Meyer wants to see more public input and notes it's a historic community. He is open to approving the preliminary plat and modifications can be made at the final plat. Zwiebel they have known about this since 2011 and it's not a brand new concept being brought to the community. She doesn't want them to keep adding unnecessary roadblocks both for the developers and the community.

MOTION/Second: Meyer/Zwiebel approved as per staff's recommendations with the added conditions that a public meeting be held and a concept design be presented on how the buildings will blend into the community with emphasis on greenspace and consolidation of accesses.

VOTE: (5-1, Moffat Opposed)

- B. PL 17-136 Concurrent Use of Streets Permit for Underground Infrastructure in the Platted Right of Way of 110th Avenue West by Carlson McCain at Vonco **JRM**

Staff: Jenn Moses introduces the applicant's proposal for a concurrent use permit to install a private sewer line within the undeveloped right of way of 110th Avenue West. This sewer line will transfer landfill leachate to the WLSSD line to the north. Staff recommends approval with the conditions listed in the staff report with the added conditions suggested by engineering that the applicant be responsible for gopher one calls and there is not an applied right to discharge into the system. Moses states the residents they spoke to are in support. Zwiebel affirms Vonco V will pay fees to WLSSD directly. Moses confirms it is a private line.

Applicant: Eric Olson of Vonco V Duluth, LLC addresses the commission. They want to make their neighbors happy and will be discharging into a city owned manhole adjacent to WLSSD line on county tax forfeit land. The payment to the city will be the same.

Public: No Speakers

Commissioners: N/A

MOTION/Second: Zwiebel/Wright Wendel recommend approval as per staff's recommendations with the two additional conditions that the applicant be responsible for gopher one calls and they do not have an applied right to discharge.

VOTE: (6-0)

- C. PL 17-128 Concurrent Use of Streets Permit for Parking in the Platted Street Right of Way at 4002 Woodland Avenue by Lowell Lyons

Staff: Kate Van Daele introduces the applicant's request for a concurrent use permit to park cars for his auto business in the Red Wing Street right-of-way. Due to the footprint of the property, there is only room in the front of the building to park cars currently under repair. All sides of the building (including the corner of Woodland and Red Wing) are all in the right-of-way, because the building is constructed up to the property line. Staff has received many phone calls and 21 letters. Six are in favor. Staff recommends approval with the conditions listed in the staff report with the addition of condition to #3, in addition to unlicensed or inoperable vehicles. Wright Wendel asks about enforcement. Van Daele there is a complaint form on the city website. Fulton states any discharge to the storm sewer is closely monitored by public works who regularly monitor the storm sewers throughout the city. Chair Guggenbuehl asks staff how certain they are that street improvements will be made by 2019. Van Daele is certain and any changes are based on this concurrent use permit.

Applicant: Lowell Lyons addresses the commission. He was born and raised in the Woodland area. His business is also located in the Woodland neighborhood. They do various mechanical repair. He shares pictures of the building's history. It was built in the 1920's. It was named Woodland garage. He bought the business in 2004. The parking in this location has been the same for 80+ years. He seeks to continue his business and states this is a life and death situation for this particular business. He is humbled by the neighborhood support he has received. Zwiebel asks about the storm sewer. How does he prevent discharge? Lyons states cars that are "bleeders" are taken into the shop, so the waste is contained. They seek to be environmentally responsible. Zwiebel asks about containment requirements. Fulton states the storm water crew can have a conversation with the applicant. Chair Guggenbuehl asks how many cars are there at a given time. Lyons states staff count has somewhat decreased, but the work load is the same. His service manager could better answer this. Chair Guggenbuehl asks about the cars that have been there for some time. Lyons states they have an off-site lot which is at capacity and the vehicles at the shop are in line to be worked on. He doesn't like stagnant cars and affirms they will deteriorate if left alone to sit. He would like to see more activity in repair, but are bottlenecked with staff time. Michael Schraepfer notes

the three blocks at the corner create the most eyesore. Meyer asks if the vehicles can be stored further off the street. Visually it would be nice to see the cars moved off of Woodland. Is this an option? Lyons states he has taken advantage of the resources given to him. He pays a lot of money for the impound lot and the vehicles at the shop could be moved there. His daily mantra is "one less car". Zwiebel notes a couple of letters they received mentions cars have been there for over a year. She asks the Lyons if he uses cars for part. Lyons states no. Lyons can move around the cars, but it's best to move them off location.

Public: Steve Preston, owner of Falk's Pharmacy addresses the commission. His opinion is conflicted. He feels Lowell is a good neighbor, but doesn't want stagnant junk cars. James Larson of Redwing Street addresses the commission. He has lived in the neighborhood for 30 years. He would like to see less cars, but they need him as a neighbor. Tom Stegall, 4020 Allendale Avenue, addresses the commission. He has lived there for five years and is in favor of the proposal. He doesn't feel it's a neighborhood problem. He has high remarks for Lyons and feels he is honest and fair, and sacrificial. He's not in it to make money. Brad, 30 E. Calvary Street, addresses the commission. He is the shop's service manager. They are operating with a crew of two mechanics who also serve as tow truck operators. The vehicles which remain there for a long time usually require more in-depth service. Some customers can drop off their vehicle for 3-4 months for a more labor-intensive job. (i.e. replacing an engine). Breaks and oil changes usually are turned around quickly. He reiterates without parking allowances they would be crippled.

Commissioners: Chair Guggenbuehl is wondering what precedent this might set allowing concurrent use permits for parking. He is consoled with the reasoning that the street is going to be improved. Moffat would like to see a time frame. Van Daele there is no time frame. Fulton states they don't condition the concurrent use permits. They benefit the city because it allows businesses to use the right of way. The city has the power to remove the permit if the right of way is needed. There is flexibility. Moffat thinks it's a large improvement, and fits the needs of the neighborhood. He has concerns about the spaces in front, but glad they will be reduced. He notes the curb cuts and can it be reconfigured. Instead of the perpendicular parking spaces, he recommends parking parallel to the street, so no additional curb cuts are needed. Van Daele the parking design standards are met, so the entrances are not obstructed. This is a minor tweak the land supervisor can approve.

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

VOTE: (6-0)

- D. PL 17-139 UDC Map Amendment to Rezone from Rural Residential 1 (RR-1), Residential Traditional (R-1), and Mixed Use Commercial (MU-C) to Urban-Residential (R-2) and Mixed Use Neighborhood (MU-N), Property Marble Street and Arrowhead Road, and North Arlington Road and Stanford Avenue; and from Mixed Use Commercial (MU-C) to Mixed Use Neighborhood (MU-N) Property at approximately the 3500 Block of West Arrowhead Road, by the city of Duluth

Staff: Steven Robertson introduces the city's proposal to rezone properties in the general area of West Arrowhead Road and North Arlington Avenue from MU-C, R-1, and RR-1 to MU-N; RR-1 to R-2; and RR-1 to R-1; in conformance with the future land use map. Staff recommends approval. Zweibel asks about the dog kennel and asks about the scale. Per Robertson, it's a small commercial development and would fit.

Applicant: N/A

Public: Bill Burns, 3332 Minnesota Ave., addresses the commission. He is the attorney who represents the owner "Ron" who wants their property to remain commercial. A modest strip mall could be included. Greg Follmer, 230 E. Superior St., addresses the commission. He represents the Eishen property which is zoned RR-1. They have received interest in the past. He doesn't feel R-1 zoning is appropriate. They have no current prospects, but MU-N or MU-C is more desirable. Medium density is a better transition. The portion against Arrowhead Road is a limited amount of buildable land due to steep slopes. Rick Johnston, 7049 Saginaw Road, addresses the commission. He wants to extend the commercial development allowance further.

Commissioners: Meyer states the parcels bordering Arrowhead Road should be zoned MU-C. Rice Lake is a city now and there is need for commercial development. Zwiebel recalling the reasons for not making it commercial. She notes the airpark area and wetland considerations. Robertson states their reasoning to stop expanding infrastructure and reducing the impact on the wetlands. Stop spreading out. The city wants to draw a line and doesn't want an entire layout of curb cuts. MU-N zoning does allow for both commercial and residential development. He suggests possibly tabling. R-2 to MU-c is a big jump and would change the character. Meyer is concerned about the services being served to the residential neighborhoods. Zwiebel notes preservation and supports the city. And doesn't agree with development in this situation. Meyer thinks the parcels along Arrowhead should be zoned MU-C. Nate LaCoursiere they have received correspondence just yesterday and one option would be to table for more information. Fulton notes the timing and there will be public hearings for comp plan in December. Zwiebel would like to see more information. Moffat usually in favor of MU-N, but is curious if the city is interested in density swaps in the future. The north portion could be designated as preservation. Fulton as a mechanism it will be carried forward in the new comprehensive plan. Robertson MU-C will not fit into the comp plan and future land use. Schraepfer would like to have more clarification on the bigger picture.

MOTION/Second: Meyer/Zwiebel Table for More Information.

VOTE: (6-0)

(5-minute recess is observed.) Meeting resumes at 7:18 p.m.

- E. PL 17-140 UDC Map Amendment to Rezone from Mixed Use Neighborhood (MU-N) to Residential-Traditional (R-1), property at Piedmont Avenue and 24th Avenue West (1401 Trinity Road), and West 10th Street and Highway 53 (2308 West 10th Street), by the city of Duluth

Staff: Steven Robertson introduces the city's proposal to rezone properties from Mixed-Use Neighborhood (MU-N) to Residential Traditional (R-1). Staff recommends approval.

Applicant: N/A

Public: Marium Bruelheide, 2601 W. 15th St., addresses the commission. He would like to see this remain a residential area.

Commissioners: N/A

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

VOTE: (6-0)

- F. PL 17-141 UDC Map Amendment to Rezone from Rural Residential-1 (RR-1) to Residential-Traditional (R-1), property at approximately 1200 Block of South Ridge Road, by the city of Duluth

Staff: Steven Robertson introduces the city's proposal to rezone properties from Rural Residential 1 (RR-1) to Residential Traditional (R-1). Staff recommends approval.

Applicant: N/A

Public: No speakers.

Commissioners: N/A

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

VOTE: (6-0)

- G. PL 17-138 UDC Map Amendment to Rezone from Residential-Traditional (R-1) and Mixed Use Commercial (MU-C) to Mixed Use Neighborhood (MU-N); from Rural Residential 1 (RR-1) to Residential-Traditional (R-1); and Residential-Traditional (R-1) to Rural Residential 1 (RR-1), from Property Generally Described as North of US Highway 2, East of Boundary Avenue, South of Park Place and Arbutus Drive, and East of Plum Tree Court and Olea Avenue in Zenith Terrace

Staff: Steven Robertson introduces the city's proposal to rezone properties in the general area of US Highway 2 and North Boundary Avenue from R-1 to MU-N, MU-C and R-1 to MU-N, RR-1 to R-1, and R-1 to RR-1 in conformance with the future land use map. The rezoning allows for mobile housing as a special use, where R-1 does not. Staff recommends approval.

Applicant: N/A

Public: Wade LeBlanc, 130 S. Boundary Avenue, addresses the commission. He thinks the city is working against its own city code to rezone it. He feels the city is doing Kwik Trip a favor. The city code prohibits the same action within 12 months. Mike Ives, of Grand Rapids, addresses the commission. He is the managing partner of Zenith Terrace. They were always zoned RR-1, which was an unintentional oversight. The proposal to rezone to R-1, would make them conforming with a special use permit. There are 500 homes on this site. He is in support. Shaine Stokke, 3710 Midway Road, addresses the commission. This is a new twist with the city taking over the rezoning to benefit Kwik Trip. He doesn't believe they are here again. The city council has turned it down twice. He is opposed. Ken Sorvari, 9231 Park Place, addresses the commission. This process has wasted three months of his time. He states the city is not consulting with Proctor. He represents his neighbors at Park Place and Park Street. Many neighbors are putting their houses up for sale. He is opposed and threatens legal action if he has to come to another meeting. Ray Payne, 9231 Park Place, addresses the commission. The city is developing a comp plan which is wonderful. Kwik Trip also has a comp plan. They haven't received a drawing from Kwik Trip. He notes they have five standard plans. He is opposed. Bill Burns, 3332 Minnesota Avenue, addresses the commission. He represents Zenith Terrace. He thinks it's somewhat ironic the people who are commercially positioned want to disallow other commercial businesses. Continued commercial development arises out of the comprehensive plan and has nothing to do with Kwik Trip or the design of a convenience store. There are legal issues which the city can address. He is in support. Nate LaCoursiere addresses the issue of whether the UDC prohibits the city proposal for rezoning. The attorney office is under the understanding it doesn't apply to the city itself. Litigation will continue. He recommends the commissioners focus on the criteria and not legal matters. Does the rezoning conform with the comprehensive plan in this area? He defers further questions to city planning staff.

Commissioners: Zwiebel states they first starting talking about this before Kwik Trip was involved. She supports commercial areas along artery roads who can utilize their services, and is in support. Schraepfer asks why are they brining the Zenith rezoning forward now. Do they hope to expand? Fulton explains staff saw the glitch in the zoning.

Schraepfer in February rezoning came forward and then next month Kwik Trip appeared. He understands the citizens' frustration. This is a high density area of Duluth. 500 homes have multiple residents. Further complicated because it's part of Proctor's school district. Zwiebel supports the idea as it was presented. Moffat also supports and notes a special use permit will be needed in an MU-N for a gas station. Schraepfer agrees, but thinks it's not tactful to slip in Zenith Terrace. They could wait to get their map right. Chair Guggenbuehl states their goal is to make their mapping correct. If Kwik Trip were rezoning they wouldn't ask for MU-N (since a special use permit is required). He is comfortable with the city rezoning.

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

VOTE: (5-1, Schraepfer Opposed)

- H. PL 17-127 Partial Vacation of Platted Street Right of Way at 728 Garfield by K6 LLC and Dehlia Seim of Fryberger Law Firm

Staff: Adam Fulton introduces the applicant's proposal for a vacation (.40 feet in width) to accommodate existing building encroachment into the right of way of Garfield Avenue on Rice's Point. Staff recommends the approval with no conditions.

Applicant: Dehlia C.J. Seim of Fryberger addresses the commission and asks if there are any questions. There are none.

Public: No speakers.

Commissioners: N/A

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

VOTE: (6-0)

- I. PL 17-126 Vacation of Utility Easement at 618 Hovland Lane by Peder and Siri Morse

Staff: Kate Van Daele introduces the applicants' proposal to vacate a utility easement that was dedicated in 1975. The utility easement is a part of the Lakeview Division First Addition. Staff recommends approval with no conditions.

Applicant: Peder and Siiri Morse present, but did not speak.

Public: Glenda Samuelson, 1324 E. 11th Street, addresses the commission and asks staff to clarify the proposal. Van Daele explains they are not covering up the utility easement just lessening it.

Commissioners: N/A

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

VOTE: (6-0)

- J. PL 17-103 Variance from General Development Shoreland Setback at 4814 London Road by David and June Larsen

Staff: Kate Van Daele introduces the applicants' request for a variance to construct a stairway accessory structure to provide access to Lake Superior. The stairway would start 80 linear feet from the ordinary high water mark, descend 27 vertical feet in two sections, and end 25 feet above the ordinary high water mark. The applicant intends to use the accessory structure to access the lakeshore. The proposed stairway is entirely within the 50' general development waters shoreland setback. One letter was received which voiced opposition. Staff finds that the proposed variance does not meet the criteria established in UDC 50-37.9, and Section 50-18.1.D. and recommends denial.

Applicant: David Larsen addresses the commission. They bought the home in June. He understands it's not public land shore. They had a company come out which developed a plan to give them access to their shoreline. One was built fairly recently in Duluth. He understands keeping the shoreland undamaged, but they would also like to enjoy their small section of shoreline. He understands this doesn't better Duluth as a whole, but it would benefit them as homeowners. Their lot is not very visible from the lake by the angle and by bushes. He feels most houses along Lake Superior have access to the lake. He doesn't feel it's unreasonable and disagrees with staff's assessment. He feels practical difficulty is due to the topography of the lot. He feels adding a small pathway will be less damaging to the lake bank. It will be a safer way for them to enjoy their property. Meyer asks what the practical difficulty is. Larsen it's due to the uniqueness of their lot. The stairway will be constructed with an impervious material which lets light and water through. Meyer asks staff how far out of compliance is their proposal. Van Daele states it would be a 15 foot encroachment. Meyer asks the applicant if he's tried to make the project comply. Larsen states this is the best route for them to take. Meyer would like to see the attempts to comply and more explanation of why a variance is needed. Van Daele met with the applicant for an hour and they couldn't come up with a different solution.

Public: Becky Hall, 4760 London Rd. and 4800 London Rd. addresses the commission. She mentions her letter and is concerned with erosion. She has had to add retaining walls and notes a stream. The water drainage affects her shore and her neighbor's shore. She and her husband go snorkeling and there is an old staircase under water thus proving her point. She is opposed.

Commissioners: Wright Wendel sees the desire to wanting to use their property, but is concerned with erosion in the long term. Meyer notes they are focused on erosion, but visual appeal from the lake is also a considering factor.

MOTION/Second: Moffat/Meyer denied as per staff's recommendations and lack of practical difficulty.

VOTE: (6-0)

K. PL 17-118 Variance at 840 South Lake Avenue by Gratia Pitcher

Staff: Chris Lee introduces the applicant's proposal for a variance from the side yard setbacks on a corner lot to construct a 50 square foot second story addition to widen a covered walkway connecting the house to a room located above the garage. This addition would be located 7.5 feet from the side yard lot line. Staff recommends approval with the condition listed in the staff report.

Applicant: Gratia Pitcher addresses the commission. The addition if for her daughter. Her architect Wayne Dahlberg addresses the commission. He gives an overview of his design.

Public: No speakers.

Commissioners: Zwiebel states from the picture is looks like it's over the property line. Fulton affirms it's not over the property line.

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

VOTE: (6-0)

L. PL 17-131 Variance to Build to Zone at 6001 East Superior Street by Scalzo Architects

Staff: Chris Lee introduces the applicant's proposal for a variance to construct an addition on front of an existing veterinary clinic resulting in a building .5' from the Superior Street right of way line. The proposed addition will consist of 3 exam rooms

and a toilet room. The proposed variance is to reduce the front build-to zone in a Cottage Commercial I building to .5' from the required range of 5' to 20'. Staff recommends approval with the conditions listed in the staff report. Wright Wendel asks about the landscaping requirements. Does it require trees? Lee states it's not part of the application. Per Fulton is has to comply with the UDC (Unified Development Chapter). This will be addressed when they apply for a building permit.

Applicant: Bill Scalzo of Scalzo Architects addresses the commission. He talks about the necessity for separation between cats and dogs. He commends Lee for a job well done.

Public: No Speakers.

Commissioners: N/A

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

VOTE: (6-0)

M. PL 17-120 Minor Subdivision at 3410 Kolstad Avenue by Shubitz Properties

Staff: Chris Lee introduces the applicant's proposal to combine two lots and add parts of the newly created lot to a third lot to comply with the design standards of the R-1 district. Staff recommends approval with the conditions listed in the staff report.

Applicant: Chris Shubitz present, but did not speak.

Public: No speakers.

Commissioners: N/A

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

VOTE: (6-0)

N. PL 17-123 Minor Subdivision at 1545 East Skyline Parkway by Lee Kalfsbeek

Staff: Chris Lee introduces the applicant's proposal to combine two lots and add parts of the newly created lot to a third lot to comply with the design standards of the R-1 district. Staff recommends approval with the conditions listed in the staff report.

Applicant: Lee Kalfsbeek addresses the commission and gives an overview of his proposal.

Public: Jim Stebe, 1531 E. Skyline Parkway, addresses the commission. He notes his neighbors' properties are similar to Frank Lloyd Wright designs. His neighbor is proposing a buildable lot which isn't feasible. He is opposed and asks the commissioners to deny.

Commissioners: Zwiebel understands the neighbor's concerns, but feels they should allow it. Moffat asks if it is buildable as is. Lee affirms. Wright Wendel notes stormwater would be addressed when a building permit is issued. Fulton affirms.

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

VOTE: (6-0)

O. PL 17-132 Minor Subdivision at 5201 Norwood Street by Peter Miner

Staff: Chris Lee introduces the applicant's proposal to divide one existing 16.7 parcel into two parcels with 10.7 and 6 acres each; one with access to Norwood Street extension and Skyline Parkway, and the other with access and frontage on Glenwood Street. Staff recommends approval with the conditions listed in the staff report.

Applicant: Did not speak.

Public: No speakers.

Commissioners: N/A

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

VOTE: (6-0)

- P. PL 17-143 Mixed Use Institutional (MU-I) Planning Review for 750 Square Foot Additional at 1001 East Superior Street by St. Luke's Hospital

Staff: Adam Fulton introduces the applicant's proposal for a minor expansion to the St. Luke's Hospital Lakeview Building. The expansion would be a single-story (14 feet tall) and approximately 1,800 square feet in size (as opposed to staff report which states 750 feet), attached to the existing structure at 1001 East Superior St. The purpose of the expansion is to provide additional space for clients (a new radiation treatment area for radiation therapy). Staff recommends approval with the conditions listed in the staff report. Wright Wendel asks about the landscaping plan

Applicant: Mike of St. Lukes and Rebecca Lewis invite questions. Wright Wendell asks about the removal of the trees and is there consideration for replacement. They will add landscaping in the space available. Moffat glad they found an adjacent area, but would like to see a landscaping swap for losing the green space. He also thinks there should be a better pedestrian appeal. He suggests faux windows and/or a mixed-up brick pattern. Mike they are cognitive of green space and want the building to be visually pleasing. Fulton strong relationship with St Lukes which continues to evolve. Commissioners comments are appreciated. Moffat brings it up because he would like to see a landscaping plan to start with. Zwiebel asks if there was a plan to make the building aesthetically pleasing from the road. Wright Wendel notes there are health benefits for incorporating more green space.

Public: No speakers.

Commissioners: N/A

MOTION/Second: Zwiebel/Moffat approved as per staff's recommendations with added condition to add landscaping or art/faux windows to add to building.

VOTE: (6-0)

- Q. PL 17-150 UDC Text Amendment to Amend UDC Section 50-37.1.G, Related to Submitting Successive Zoning Applications Within 1 Year

Staff: Nate LaCoursiere introduces the city's proposal to clarify UDC Section 50-37.1.G with an amendment. The city cannot be precluded by its own ordinance from bringing forward successive applications during the 12-month period of the applicable section. The city is trying to remove all ambiguity with this text amendment by cleaning up the language. Staff recommends approval. Schraepfer states it makes sense as it applies to a private citizen, but shouldn't this apply to the city, too? LaCoursiere it works differently in that all of their zoning authority flows from the provisions of the municipal planning act. Their local code is pre-empted. Schraepfer feels good will is owed towards Duluth citizens. They shouldn't be just trying to move forward an agenda. There needs to be a tactful way. Fulton addresses the development side. The rezoning is irrespective of any development proposal. He mentions in October the planning commission will be seeing a proposal for a change in regulations for filling stations in Mixed Use neighborhoods. Item Q is being presented as a result of litigation. Schraepfer agrees with cleaning up the language, but he doesn't agree with hammering the map changes in sensitive areas.

Applicant: N/A

Public: No speakers.

Commissioners: (See above.)

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

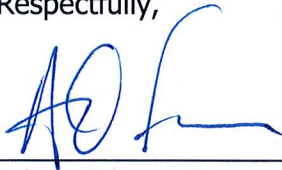
VOTE: (6-0)

Citizens in attendance address the commission and asks how they will know when a certain item is being brought to the planning commission. Fulton states agenda is finalized and posted a week ahead of the meeting. Collins is interested in the construction between 36th Ave East and 40th Ave. E. Per Fulton a complete application has not been submitted.

V. Communications

- A. Manager's Report – Adam Fulton gives an overview. There will be UDC changes and rezonings on the agenda next month. They would like pc involvement on imagine canal park items. He notes the Arrowhead Road rezoning which will include a neighborhood meeting with the developers.
- B. Reports of Officers and Committees
Heritage Preservation Commission Representative Chair Guggenbuehl gives an overview.
- C. Changes to bylaws. Changes include allowing members to nominate themselves and change the majority count from 7 to a 5-person majority. (A vote was taken, but just discussion needed at this point.) Chair Guggenbuehl would like to see a special election of officers. He would like to step down.
- D. Meeting adjourned at 9:41 p.m.

Respectfully,



Adam Fulton - Manager
Community Planning