

City of Duluth
Planning Commission
January 9, 2018 Meeting Minutes
Council Chambers - Duluth City Hall

1. Call to Order

President Michael Schraepfer called to order the meeting of the city planning commission at 4:30 p.m. on Tuesday, January 9, 2018, in city hall council chambers.

Roll Call

Attending: Terry Guggenbuehl, Janet Kennedy, Tim Meyer, Garner Moffat, Margie Nelson, Michael Schraepfer, Luke Sydow, Heather Wright Wendel, and Zandra Zwiebel

Absent: N/A

Staff Present: Keith Hamre, Adam Fulton, Robert Asleson, Steven Robertson, John Kelley, Kate Van Daele, and Cindy Stafford

2. Imagine Duluth 2035 Comprehensive Plan Governing Strategies

<http://www.imagineduluth.com/document>

Mayor Emily Larson – head of vision committee addresses the planning commission. Two new guiding principles have been added: Health and Fairness. In this process the hope is to lift up our community. Director Keith Hamre addresses the commission and notes there will be six outreach meetings for the community which are scheduled in the upcoming months. The meetings will include discussion of policies and strategies. Where to we imagine Duluth in 2035? There will be action-oriented measurable areas to help determine which are the most important factors under each category. In February the comp plan will go before the planning commission for recommendation to the city council. There is a realization that the plan needs to be discussed on an annual basis. Community Planning Manager Adam Fulton addresses the commission. He urges the public to communicate their feedback via email. Many elements from the 2006 comp plan will carry forward including urban design and development. The new areas include core investment areas. Transformative actions are listed on the website. The land use changes are listed. There will be another public hearing at the next planning commission meeting. Director Hamre notes staff has received lots of public comments during January. If the planning commission wishes, they may decide to hold a special meeting. Director Hamre wants the process to be deliberative, but staff also wants to be thorough. David Ross, member of vision committee, addresses the commission. He was involved in past comp plans and feels this is an inclusive plan which was done in-house. He relates the business community applauds the process, and will remain involved. Deb Delucca of the Port Authority addresses the commission. She notes the areas of transportation and connectivity. Economic and transportation factors are important. The Port Authority will be attending additional meetings. Linda Ross Sellner addresses the commission. She is concerned about land use changes. She refers to five maps. She states the 2006 comp plan was a noble document. There was consensus. That comp plan is supposed to last until 2026. Technological advances including cell towers are not reasons to change land use changes. She comments on parcels in Fond Du Lac/Becks Rd. business park. She thinks the city should fill up present airpark space before taking this preservation land. She has comments on all of the maps. She urges commissioners to not take green space away for development. Ben Garland, transportation advocate,

addresses the commission. He thinks transportation should be the center of this process. Make sure it's equitable for everyone. He wants to know how changes will actually take place, and not just end as a good idea. Brook Wetmore of Zeitgeist addresses the commission. She stresses the importance of fresh food and wants to make sure Lincoln Park has appropriate food access. She would like to encourage the inclusion of food in each section of the comp plan. Emily Richey, Director of the Duluth Community Garden Program addresses the commission. She too, would like to see food policies be included in each area of the comp plan. She wants Duluth to be a sustainable and a resilient community, and feels there is an incredible opportunity for a localized food program. She would like to see Duluthians be more food secure.

3. Approval of Planning Commission Minutes (December 12, 2017)
MOTION/Second: Zwiebel/Guggenbuehl approve the minutes.

VOTE: (9-0)

4. EAW/EIS

- PL 17-085 Kayak Bay Village Environmental Assessment Worksheet (Delayed from December 12, 2017, Planning Commission Meeting)

Staff: Steven Robertson shares an overview of the process. The EAW consists of a standard list of 31 questions and is meant to set out the basic facts of the project's environmental impacts. Staff recommends approval. A condition of final plat approval would be a study of endangered species including pale sedge. Zandra Zwiebel asks about the traffic study. Robertson states there was a traffic study done in the recent past. Director Hamre states a traffic study can be part of the final permit process, and will be handled by MN D.O.T. A plant study can be performed in July. And an archeological study can be done prior to the final plat from the applicant. Janet Kennedy asks how does the Environment Impact Study (EIS) process take. Director Hamre states it could take approximately two years. He notes Sky Harbor airport's EIS took five years. Once the studies are completed it could change things. Heather Wright Wendel feels the EAW meets the requirement, but not the intent. If you wait until the final design, you are left with limited choices that can be expensive. She would like to see more thought now versus at final design. Zwiebel agrees that more thought should be put into the EAW. Filling and grading permits should be scrutinized to make sure concerns are being addressed. Kennedy would like to see an EIS. Tim Meyer states any concerns they have can be addressed at the permitting phase, and this where the depth of analysis can be addressed. Wright Wendel wants to minimize impacts from the beginning. Terry Guggenbuel agrees with Meyer. Every EAW leaves some unanswered questions. Is it significant enough to require a EIS? He doesn't see it in this project. Kennedy questions topics of fairness and health. Director Hamre states social impacts are not included, and can be addressed via a special use permit, zoning, etc. Director Hamre states they are now narrowly focused on environmental factors. The plan is still somewhat conceptual, which makes it tough. This will raise the level of scrutiny in the overall plat. Zwiebel doesn't recommend an EIS, but feels the EAW brought up some issues to be looked at ahead of the final plat. Margie Nelson has concerns about the environmental effects, but will look for answers in the upcoming studies and at the final plan.

Applicant: N/A

Public: N/A

Commissioners: (See above)

MOTION/Second: Moffat/Meyer an Environmental Impact Study (EIS) is not needed

VOTE: (8-1, Kennedy Opposed)

5. Public Hearings

- A. PL 17-194 UDC Text Amendments Related to Filling Stations (50-19 and 50-20), Screening and Fencing (50-26), and Vacation Dwellings (50-37.10)

Staff: Steven Robertson gives an overview. Regarding vacation dwellings, staff is proposing increasing the cap of 60 units, by 10% for the next five years. Filling stations large versus small and fences.

Applicant: N/A

Public: Scott Teigen, Vice-President of Kwik Trip stores addresses the commission. He would like to table the item for more input from other filling stations. A limit of 2,400 square feet would eliminate convenience stores in any of those districts. He feels they do fill the need for food access. Joel Sipress, city councilor for the 2nd district, addresses the commission. He likes the idea of limiting the size of gas stations. He doesn't want excessively large stations in certain neighborhoods. There is trend towards larger and larger stores, so he would like to see limits in R-2 and MU-N zones. He's not opposed to looking at it further, but wants a size/scale restriction. Regarding vacation rentals, he is concerned about any increase at this time. Before they raise the cap, they need to pause and look at the housing market. He wants to know how the increase will impact neighborhoods, and has concerns about density. He thinks they could consider a potential increase in the cap once a more in-depth study has been done including a more inclusive discussion. Bill Burns, 3332 Minnesota Avenue, addresses the commission. He is interested in the filling station changes and notes the proposed Kwik Trip at Boundary Avenue and Highway 2. Zenith Terrace residents want food options. He notes an industry has evolved and feels Kwik Trip is a good corporate citizen. Mike Casey of Smithville addresses the commission. He feels the Holiday Station on Arrowhead Road creates increased traffic and accidents. He notes the Kwik Trip on Grand Ave and doesn't like the music, advertisement and lights. He doesn't want to see large companies coming in and pushing out small business owners. Regarding vacation rentals, he doesn't see the need to table. He thinks evidence confirms there aren't many complaints, and agrees with a 10% increase.

Commissioners: Nelson, asks where the figure of 2,500 square feet come from. Robertson states it's the average of 12 filling stations. Chair Schraepfer asks about square footage for retail. Discussion at brown bag was geared toward the number of pumps. Robertson 15,000 square feet is retail/grocery. Direct Hamre recommends tabling vacation rental and filling stations. Kennedy is okay tabling as it will give them more time to look at the impact. Luke Sydow notes commercial use for lighting. You can see them from quite a distance. He suggests adding as special use districts Form F-2, F-5, F-6. Garner Moffat would like more information on filling station, and how electric cars will change pumps. Screens/fences leave opportunity for artistic fencing when it's appropriate. Zwiebel asks why fences aren't allowed in front yards. Director Hamre states the 2009 UDC addressed the appearance of front yards, and determined chain-link fences would not be allowed in the front yard. Zwiebel would like to reconsider front yard fences. Regarding convenience store versus gas station, Meyer doesn't feel Kwik Trip is one or the other and maybe there should be special consideration for grocery stores that offer fueling. Wright Wendel would like to consider different types of

vacation rentals. For examples owners wanting to rent when they are gone for the weekend versus owners who live elsewhere.

MOTION/Second: Meyer/Kennedy Table for more discussion

VOTE: (9-0)

- B. PL 17-181 Minor Subdivision Between Park Point Marina and Globe Duluth Enterprises at 1033 Minnesota Avenue

Staff: Kate Van Daele introduces the applicant's proposal for a minor subdivision to change the property boundaries from 15 parcels to 2 parcels, in order to separate the existing marina use from the hotel use. Note that internal property boundaries were altered for purposes of ownership changes in 2013, and recorded at St. Louis County without city approval; this minor subdivision is to allow existing property ownership, with two separate property owners, to continue. Staff recommends approval with the conditions listed in the staff report. Moffat asks how was it done without city approval. In 2016 it required city approval. Some of these happened prior to this process.

Applicant: N/A

Public: N/A

Commissioners: N/A

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

VOTE: (8-0, Sydow Abstained)

- C. PL 17-189 Minor Subdivision at 2624 Minnesota Avenue by Thomas Lyle and Ideal Homes

Staff: John Kelley introduces the applicant's proposal for a minor subdivision at 2622, 2624 & 2626 Minnesota Avenue in the Park Point neighborhood. The applicant proposes to divide ten previously platted lots into three parcels. The new parcels all have frontage along Minnesota Avenue. Staff recommends approval with the conditions listed in the staff report.

Applicant: N/A

Public: N/A

Commissioners: N/A

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

VOTE: (8-0, Sydow Abstained)

- D. PL 17-187 Variance from Front Yard Parking Standards at 5202 Colorado Street by Anchor Point Community Church

Staff: John Kelley introduces the applicant's proposal for a variance from the front yard parking regulations in the R-1 district to construct two accessible parking spaces. Staff recommends approval with the conditions listed in the staff report. Sydow asks if the city allows handicap parking on city streets. Kelly states yes and is handled by the parking commission. Sydow asks about the cost difference of a ramp versus paved parking in front. Kelley defers to the applicant.

Applicant: Amanda Bruno and Trent Prigge of Northland Consulting Engineers address the commission. On-street parking was considered, but engineering had concerns with the traffic on 52nd Avenue East. 52nd Avenue East isn't wide enough to accommodate

street parking. To adhere to ADA standards, they want to put parking as close to the front door as possible. A ramp would be inefficient for the user.

Public: N/A

Commissioners: Moffat notes the traffic patterns and would be comfortable with parking on the avenue. Kelley states the practical difficulty is distance to the front door and the lot slope. Director Hamre notes both alternatives would require a variance.

MOTION/Second: Meyer/Nelson approved as per staff's recommendations with practical difficulty being length of accessible route and grade change.

VOTE: (8-1, Sydow Opposed)

- E. PL 17-180 Variance from Front Yard-, Front Corner Side Yard, and Rear Yard Setbacks at 6920 Sherburne Street by Bonnie Nepstad

Staff: Kate Van Daele introduces the applicant's proposal for variances from setbacks on a corner lot to construct a 14' x 12' addition to their home. The proposed addition (currently a deck) is 11 feet from the property line, which extends three feet into the side yard setback. The shed either needs to be moved or removed. Staff recommends approval on the side yard setback, and the front yard setback, but recommend denial on the rear yard setback due to the reasons listed in the staff report including no practical difficulty has been established. Guggenbuehl asks about the math for the rear yard setback. Van Daele states a 25' setback is required. Sydow asks about the shed in the October survey. Van Daele states it will need to be moved back to the rear line.

Applicant: James Klemmer speaks on behalf of the owner. The previous owner built the back deck and has been permanently installed with cement pillars. The shed is portable and can be moved.

Public: N/A

Commissioners: Zwiebel asks if a step can be placed by the back door for access. Van Daele steps would be within the setback and would require a variance. Meyer doesn't have issues with the additions on the north and the west, but he doesn't see how they can allow the deck addition on the south. Moffat has concerns about how it will fit into the street scape but is curious how setbacks fit into the property line. Director Hamre refers the commissioners to page 11 in their staff report. There is no buildable area on the lot which would meet the standard setbacks.

MOTION/Second: Side Yard setback: Zwiebel/Guggenbuehl approved as per staff's recommendations. w/ practical difficulties being the shape of the lot.

VOTE: (9-0)

MOTION/Second: Front Yard setback: Zwiebel/Nelson approved as per staff's recommendations w/ practical difficulty being the shape of the lot.

VOTE: (9-0)

MOTION/Second: Rear Yard setback: Zwiebel/Sydow denied as per staff's recommendations.

VOTE: (8-1, Kennedy Opposed)

6. Communications

- A. Manager's Report – Director Hamre gives an overview.

A handout was given to review bylaw changes. If they go with a consent agenda, the procedure would be to open up all items for discussion at once. There would be one

action/motion made to approval all items. Time limits for speakers was discussed. They can limit applicants' time to 15 minutes and 3 minutes for public comment which is consistent with the city council. Moffat questions consent agenda for transparency reasons. He wants to make sure they aren't lumping things together without explaining them. Sydow states they can pull items off the consent agenda for individual attention. Director Hamre notes the annual meeting is coming up in March. Date to be determined. They are accepting comments or suggestions for Zenith awards nominations.

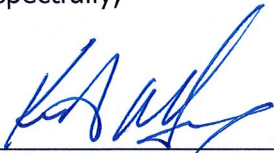
- B. Reports of Officers and Committees --Heritage Preservation Commission Representative, Terry Guggenbuehl gives an overview. The HPC agreed to designate the Leif Erickson park stage as a local landmark. Per Moses, staff understands this was discussed at the December planning commission meeting, but staff is bringing it forward again for formal commission input. The HPC will hold a public meeting on January 23, 2018.

MOTION/Second: Moffat/Guggenbuehl recommend designation of the Leif Erikson park stage for local landmark status.

VOTE: (9-0)

- C. Meeting adjourned at 7:29 p.m.

Respectfully,



Keith Hamre - Director
Community Planning and Construction Services