



**City of Duluth
Planning Division**

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City of Duluth
Planning Commission
December 11, 2012 Meeting Minutes
City Council Chambers - Duluth City Hall

Call to Order

President Digby called to order the meeting of the City Planning Commission at 5:00pm on Tuesday, December 11, 2012, in the City Council Chambers.

Roll Call

Attending: Henry Banks, Marc Beeman, Drew Digby, Terry Guggenbuehl, Patricia Mullins, David Sarvela, Luke Sydow and Zandra Zwieber

Absent (Excused): Heather Rand

Staff Present: Chuck Froseth, Nate LaCoursiere, Steven Robertson, John Judd, and Cindy Stafford

Public Hearings

- A. PL 12-171 Zoning Map Amendment for the 4th Street Corridor from North 6th Avenue East to North 14th Avenue East, between the alley above and the alley below 4th street from Mixed Use-Neighborhood (MU-N) and Residential-Traditional (R-1) to Form District 6 (F-6) Mid-Rise Neighborhood Shopping

Staff: John Judd stated that during the development of the UDC, it was concluded that there was much support for small-scale commercial properties in and near neighborhoods including the 4th Street corridor. More recently the Hillside Neighborhood Revitalization Plan and a market study, completed as part of the City's Higher Education Small Area Plan, have also supported this proposed change for the 4th Street corridor. The change of zoning to a form based designation will place emphasis on the physical form of the built environment with the end goal of producing a specific type of "place". Staff held a public meeting on November 29th that was attended by 17 people.

Public: James Gittemeier – homeowner at 1013 E. 5th St. Approves of the rezoning. Concerned that it is not allowing new residential uses on the 1st floor. Generally believes that rezoning to form based code is great.

Commission: Digby stated that he was concerned about limiting use of residential housing on first floor. Agrees with the form district, but concerned about limiting use.

MOTION/second: Zwieber/Beeman. Planning Commission recommended approval of Zoning Map Amendments.

VOTE: (8-0)

B. PL 12-163 Variance from Minimum Parking Requirements at 813 North 59th Avenue West by Todd Benton

Staff: Steven Robertson stated that a two family dwelling requires 2 off-street parking spaces. That is required in the current UDC, and also the old zoning code when this property was illegally converted around 2002. The previous owner was informed in 2002 that the only allowable use of this structure was as a single family home; the lot did not meet zoning requirements for lot size, lot area, or off-street parking. Robertson added that the applicant can construct an alley on the unimproved right of way behind his property, or build a driveway to the side of his property; both options would allow him to provide off-street parking behind his home. Robertson added that if the variance is denied and the applicant does not want to provide off-street parking, the applicant can continue to use the property as a single family home.

Public: Todd Benton – Property owner requesting variance. He purchased the home in 2006. Home sold to him as a duplex. He was currently living there and went to apply for a two dwelling rental license and was told he needed appropriate parking space. He will lose the property if made to comply.

Nicki Conrad – Realtor stated that the requirement for off-street parking would be a financial hardship. Previous listing company made a mistake in listing it as a duplex.

Ray Franna – Tenant of Todd Benton's. He is a civil engineer technician and agrees that adding off-street parking would not be feasible and is not needed since there is a lot of on-street parking available.

MOTION/second: Zwiebel/Beeman. Planning Commission recommended approval of a variance from Minimum Parking Requirements at 813 North 59th Avenue West

VOTE: (8-0)

C. PL 12-121 Variance from Front Yard Setback in a Residential-Traditional (R-1) at 165 Chester Way by Mary St. Michael (6 feet setback)

Staff: Steven Robertson stated that staff recommended denial of the variance because the applicant does not meet the standards required in the UDC. The applicant has a lot that has other areas that can handle a one car garage without need a variance. In addition, many of the homes along Missouri Ave are built about 20 or 25 feet from the lot line, and the request for 3 feet is out of character with the neighborhood.

Public: Mary St. Michael – Owner of passive solar house. The lot has elevation issues and she needs a variance to build the garage while maintaining her passive solar home.

Herald Frederick – owner/occupant of 1030 Missouri Ave – supports the variance. Knew original owner, Shirley, who was proud of the passive solar house and her deciduous trees.

Rachel Wagner – Designer in the area who supports the variance. Claims it is ecologically appropriate.

MOTION/second: Sydow/Beeman. Planning Commission recommended approval of variance from Front Yard Setback in a Residential-Traditional (R-1) at 165 Chester Way by Mary St. Michael (6 feet setback)

VOTE: (5-3, Guggenbuehl, Sarvela and Zwiebel opposed)

Consideration of minutes – November 13, 2012

MOTION/Second: Guggenbuehl/Beeman

VOTE: (8-0)

Communications

N/A

Old Business

N/A

Reports of Officers and Committees

Commissioner Mullins volunteered to be an HPC representative.

New Business

Higher Education Small Area Rezoning Process update. John Judd gave a brief update on the implementation plan for the Higher Education Plan and the timetable for projects next year.

UMD's master plan – President Digby stated he was disappointed in the lack of public meetings. Guggenbuehl stated that UMD did meet with campus neighbors. Charles Froseth will follow-up.

Other Business

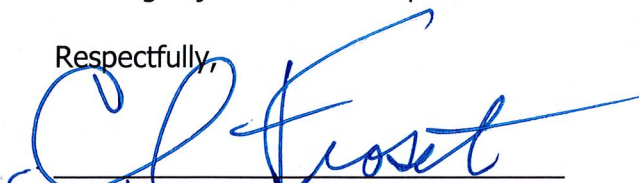
Monthly Report from the Land Use Supervisor – Charles Froseth. Park Point planning begins soon. Commissioner Rand volunteered to assist with this project.

Brown bag tour of new St. Lukes Campus Friday, December 14, 2012, at noon.

Adjournment

Meeting adjourned at 6:35 p.m.

Respectfully,



Charles Froseth, Land Use Supervisor