

City of Duluth
Planning Division

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City of Duluth Planning Commission
January 14, 2014 Meeting Minutes
City Council Chambers - Duluth City Hall

Call to Order

President Terry Guggenbuehl called to order the meeting of the City Planning Commission at 5:00 pm on Tuesday, January 14, 2014, in City Hall Council Chambers.

Roll Call

Attending: Garner Moffat, Drew Digby, Terry Guggenbuehl, Tim Meyer, Patricia Mullins, David Sarvela, Luke Sydow and Zandra Zwiebel

Absent: Marc Beeman (Excused)

Staff Present: Charles Froseth, Steven Robertson, Jenn Reed Moses, Alison Lutterman

Public Hearings

A PL 13-147 Future Land Use Change from Institutional to Neighborhood Mixed Use for the Former Nettleton School at 108 East 6th Street

Staff: Charles Froseth presented the staff report, noting that the City is the applicant. The request is to change the future land use from Institutional to Neighborhood Mixed Use. This future land use change would allow rezoning to MU-N (Mixed Use-Neighborhood) in the future. After the Red Plan was adopted, the school district decided that it no longer needed some facilities and they should sell them. Without a future land use change the property would not be able to be successfully reused. On November 21, 2013, a public information meeting was held and attended by 30 residents. Most comments were related to concerns with on-street parking. That issue does not factor into the future land use change, but it will be a point of conversation for rezoning and development in the future. Staff recommends the Planning Commission recommend approval of the future land use change to City Council.

Public Comment. No citizen wished to address the Planning Commission.

MOTION/Second: Zwiebel/Moffat recommend approval of the future land use change.

VOTE: Motion Passed, 8-0

B PL 13-163 Interim Use Permit for Adaptive Reuse of a Historic Landmark by Stacey's Dance Studio at 819 North 18th Avenue East (former Chester Park United Methodist Church)

Staff: Jenn Reed Moses stated the applicant is proposing to use the former church as a dance studio. The applicant currently has a dance studio on London Road and would like her business to relocate to this site. The city council recently adopted amendments to the UDC allowing adaptive reuse of a local historic landmark. The preservation plan was adopted in December by the Heritage Preservation Commission (HPC). City Council is in the process of approving church as a local historic landmark. All uses that are permitted in the MU-N may be considered when applying for an interim use permit. The existing parking will remain, but if the satellite parking

lot is reconstructed, it would have to be rebuilt to UDC standards as the current drive aisle and parking spaces are not conforming.

Jenn Reed Moses stated that on November 17, 2013, a public information meeting was held by applicant with approximately 20 citizens attending. Public comments are included with the staff report. Staff is recommending a 10 year time frame for the interim use permit, and that a condition be included with the interim use permit relating to the parking lot.

Applicant: Stacey Dimberio stated she is excited to use this facility. She added that all the relevant information was presented by the staff and she has nothing to add.

Commissioner Sydow asked if the applicant was okay with the addition of the condition relating to the satellite parking lot.

Stacey Dimberio stated that she understands that if she reconstructs the parking lot, she needs to bring to Unified Development Code (UDC) standards.

Public Comment. No citizen wished to address the Planning Commission.

MOTION/Second: Moffat/Meyer recommend approval of the Interim Use Permit with conditions recommended in the staff report.

VOTE: Motion Passed, 8-0

C PL 13-037 Vacation of Public Right of Way (Alley) between 1st and 2nd Street and 11th and 12th Avenue East by St. Luke's Hospital

Staff: Jenn Reed Moses reminded the Commission about the district plan for St. Luke's (PL 12-170) which was approved last year. She stated that this project is identified as employee parking in the district plan. Staff clarified the proposal is to vacate right of way, utility easement, and access easement. She added that since the parking lot has been constructed, the access easement is no longer needed as there is nothing for the city to maintain. All the public utilities have been moved and relocated per City Engineering standards. Staff recommends approval with conditions listed in the staff report.

Applicant Ron Franzen, Vice President of St. Luke's, thanked the Planning Commission for continued support and Planning Staff for the staff report and recommendation. He added that walkability and green space is important for St. Luke's Campus.

Commissioner Sydow asked if St. Luke's still plans on maintaining the public sidewalk in front of the parking lot.

Franzen stated yes, adding they have used a machine called a "snow dragon" that melts the snow and releases the water into the storm sewer system.

Public Comment. No citizen wished to address the Planning Commission.

MOTION/Second: Sydow/Mullins recommend approval of the vacation with conditions recommended in the staff report.

VOTE: Motion Passed, 8-0

D PL 13-161 Concurrent Use Permit for a Slip Ramp on the 3rd Avenue West Public Right of Way by Duluth Transit Authority (DTA)

Staff: Jenn Reed Moses presented the application. The slip ramp will allow easier access of transit buses onto the city's street system. It will still allow for two-way traffic on 3rd Avenue West. City engineering noted that there are no sidewalks on east side currently, but the west side will not be impacted. Will need to remove 2 parking spaces. Engineering is supportive of the project. Per the concurrent use permit, will require liability insurance, as is common with concurrent use permits.

Commissioner Digby asked how this will affect pedestrian traffic. He also asked if there will still be a sidewalk on Michigan Street. Jenn Reed Moses replied that there will be a sidewalk.

Applicant: Jim Heilig from the Duluth Transit Authority (DTA) confirmed that there will be a pedestrian crosswalk at all parts of the intersection.

Commissioner Sydow noted the width of the slip ramp, and added that the every time we get a chance to put a sidewalk in, we should consider it for the public benefit. He asked the applicant if you don't need all 27 feet, can you live with a lesser amount?

Jim Heilig stated that all 27 feet is needed for turning movements of buses. On the west side of the slip ramp, there will be about a 4 foot island for citizens to stop at if there is a bus exiting the slip ramp.

Commissioner Moffat expressed concern about pedestrian safety at 3rd Avenue and Michigan Street. Jim Heilig stated we believe most citizens will come to the facility from skywalk.

Public Comment. No citizen wished to address the Planning Commission.

MOTION/Second: Moffat to deny the concurrent use permit. No motion to second the denial. Motion died.

Commissioner Moffat stated that he uses the street a lot as a pedestrian, and he is concerned this model is not pedestrian friendly. He added the center will have a lot more street side pedestrian and bike access than the applicant anticipates. Commissioner Meyer stated that he doesn't see the proposed arrangement as safe for pedestrians.

Commissioner Digby stated that he is concerned about pedestrian safety and additionally is concerned that once we approve this, even though we are promised a 4 way intersection, in the future that will change to 2 way intersection. We should add a condition that the safe pedestrian access be maintained and improved along all 4 parts of this intersection.

Commissioner Sydow stated if the slip ramp wasn't so wide, you could create a better corner for pedestrians. Can you amend the plan to improve the pedestrian access?

Jim Heilig stated this isn't just DTA buses; it includes Arrowhead and Jefferson bus service as well. That is why they want to keep away from backing movements, especially since they may have drivers from other bus service systems which are not as familiar with traffic flow. DTA needs the 27 feet for the slip ramp and are willing to go with Digby's additional condition that the intersection be kept at 4 way and open to pedestrians.

Chair Guggenbuehl said that denying this will not allow us to provide meaningful input to improve this product and promote pedestrian safety.

Jim Heilig stated we believe the slip ramp design is the best solution for bus service and pedestrians.

Commissioner Mullins asked can we keep pedestrians off 3rd Avenue West and re-route them across Michigan so that they are not using intersection. Commissioner Moffat stated we don't want to reduce pedestrian access to this facility in any way. Commissioner Digby said he wanted to give DTA credit for this layout. He understands Mullins comment, but this design improves pedestrian safety and is pedestrian friendly.

Froseth noted the Commission could delay this one month to have the applicant submit clearer images which could help the Commissioners in making a decision.

Commissioner Zwiebel stated she is not interested in holding this item up any longer and wanted to make a motion.

Public Comment. No citizen wished to address the Planning Commission.

MOTION/Second: Zwiebel/Digby recommend approval of the concurrent use permit with conditions recommended in the staff report with the addition of a crosswalk for all four corners for pedestrian movements at the intersection.

VOTE: Motion Passed, 7-1 (Moffat Opposed)

E PL 13-162 Quick Plat for Duluth Transit Authority

Staff: Jenn Reed Moses presented the application. Fourteen parcels are to be combined into one parcel. Meets requirements for MU-C district. Staff recommends approval subject to conditions in staff report.

Applicant Jim Heilig added this clarifies property ownership and allows the DTA to move forward with the project.

Public Comment. No citizen wished to address the Planning Commission.

MOTION/Second: Moffat/Mullins approve the quick plat with conditions recommended in the staff report.

VOTE: Motion Passed, 8-0

F PL 13-166 Quick Plat for Ramsey Village

Staff: Jenn Reed Moses presented the application. The Planning Commission saw this property late last year for an R-P change. Applicant wants to take eight existing lots and combine into three lots.

Public Comment. No citizen wished to address the Planning Commission.

MOTION/Second: Meyer/Sydow approve the quick plat with conditions recommended in the staff report.

VOTE: Motion Passed, 8-0

G PL 13-159 Quick Plat for 1209 Catherine Street by Cheryl Goldberg

Staff: Jenn Reed Moses provided staff report noting they are proposing two tracts. Each meet lot size and frontage. Road frontage is provided on unimproved Dodge Street with access via Catherine Street. Applicant providing right of way dedication along Dodge Street and Lewis Street

Applicant Michelle Miller (Representing the Property Owner): nothing to add, but happy to answer any questions.

Public Comment. No citizen wished to address the Planning Commission.

MOTION/Second: Zwiebel/Sarvela approve the quick plat with conditions recommended in the staff report.

VOTE: Motion Passed, 8-0

H PL 13-160 Quick Plat for 6008 Tioga Street by Raymond Soberg

Staff: Jenn Reed Moses provided staff report noting there are three lots and applicant wants to merge them into two lots, right down the middle. Meets lot area and frontage requirements for R-1.

Applicant Nathanael Deloach (Repenting the Property Owner): nothing to add, but can answer any questions.

Public Comment. No citizen wished to address the Planning Commission.

MOTION/Second: Zwiebel/Meyer approve the quick plat with conditions recommended in the staff report.

VOTE: Motion Passed, 8-0

Chairperson Guggenbuehl called for a 4 minute recess. Meeting resumed at 6:00 pm

I PL 13-165 MU-C Plan Review for Credit Union at 609 West Central Entrance by Members Cooperative Credit Union

Staff: Jenn Reed Moses noted that the applicant did not meet the sign notice requirement (14 days, posted 7 days). Applicant asked that it remain on the agenda so that they can present to the Planning Commission. Planning Commission to take action next month.

Applicant will place new structure for credit union at site of former Midas Service shop. Proposed structure will meet setbacks and height requirements. Is in shoreland, but it is out of the structure setback. Will need to do storm water plan for quality and rate of flow. Will do on-site sidewalk to the edge of the property. Staff recommends that the applicant construct the sidewalk on Central Entrance, but is not a condition of approval. Provides

19 parking spaces, 2 spaces over UDC. In location of rear parking, landscaping affected by overhead utility line. Staff recommending applicant provided an alternative landscaping plan. Need to apply for a sign permit. Sustainability and design standards are not required.

Staff again noted that the planning commission cannot take action until next month when the applicant can meet the sign public notice requirement.

Commissioner Savela asked if can we require a sidewalk? Whose obligation is it?

Jenn Reed Moses stated that she will coordinate with City Engineering and MnDOT regarding sidewalk.

Applicant: Tammy Heikkinen (Employee of MCCU): nothing to add at this time.

Commissioner Sydow asked if the applicant would be willing to put the sidewalk in front of the credit union. Tammy Heikkinen stated that they would.

Public Comment. No citizen wished to address the Planning Commission.

Commissioner Dibgy asked staff to contact MNDOT about sidewalk. Pedestrian connectivity is very important, and any additional link is important. Commissioner Sarvela stated that if we can require sidewalks, it improves the network and helps connectivity.

MOTION/Second: Sydow/Zwiebel table the item until the February 11, 2014, Planning Commission to allow the applicant to comply with public notice posting requirements.

VOTE: Motion Passed, 8-0

J PL 13-164 Variance to Maximum Off-Street Parking Limits at 609 West Central Entrance by Members Cooperative Credit Union

Staff: Jenn Reed Moses stated that the maximum allowed parking spaces is 17. The maximum variance is 175% of required minimum, which brings them to 19. Variance will not change the character of the neighborhood. However, staff does not believe that the applicant has sufficient evidence of hardship or practical difficulty. If variance is denied, the applicant would still have reasonable use of their property.

Applicant: Tammy Heikkinen (Employee of MCCU): will have temporary storage of snow on site, but will have removal in a timely fashion. We don't have off street parking, and we have peak times when a lot of people come at once. Plan to have occasions will there will be 12 employees there at time.

Commissioner Meyer stated he doesn't think the staff angled parking is safe. He would prefer to approve the 12 parking spaces in front, but not have any parking in the rear. Commissioner Zwiebel said she understood the concern with the backing up cars into traffic, but doesn't think that it would be an issue with the typical hours of employees. Commissioner Mullins added that she doesn't like the idea of people parking at Cub Foods and having to walk down the slope to get to the credit union.

Tammy Heikkinen stated that her preference is to have current site plan approved. Jody Anderson, DSGW, said that they have done studies, and backing out the easterly space will not be a problem.

Jenn Reed Moses stated that the Planning Commission can approve/deny variance, increase required minimum parking for all banks (which affect all bank uses across the town), or alter the LUS approval to allow him to add 1 more parking space.

Public Comment. No citizen wished to address the Planning Commission.

MOTION/Second: Zwiebel/Sarvela table the item until the February 11, 2014, Planning Commission to allow the applicant to comply with public notice posting requirements.

VOTE: Motion Passed, 8-0

K PL 13-146 UDC Text Changes. DNR Requested Changes. Planning Division Requested Changes.

Steven Robertson presented UDC changes, including the changes to the form districts and the proposed changes to flood plains and flood hazard mitigation that the Department of Natural Resources is asking the City to adopt. Staff asked that the Planning Commission take public comment, but table the item until next month to give staff time to review DNR changes more thoroughly.

Commissioner Digby asked about allowing Planning Commission approval of a regulating plan. He added that not everything needs to come back to the Planning Commission, but some things should come to the Planning Commission, such as number of drive-throughs, changes in walkability of site, and buffers to surrounding neighborhoods, but not if someone is moving restaurant from one side of lot to another.

Public Comment. Tom Rhyther: Rockridge and R-P standards. He has 25 year's experience in public administration. Regulations are to protect property owners and citizens, and developers always complain. He is here with Friends of Rockridge. Neighborhood doesn't have a problem with Rockridge's existing building being used for apartments. Assurances that staff's understanding is that future applicant will use R-P only for existing building for apartments or care facility. Feel code could be strengthened by requiring neighborhood meeting with regulating plan. Ask that UDC changes include an amendment to require neighborhood meeting.

Mark Irving, 4923 Idlewild: Several experts have commented on importance of Skyline Parkway and Hawk Ridge. One reason for public meeting and public hearing is to allow experts to present information as well. Change "RR-1, RR-2, and R-1" to "RR-1, RR-2, or R-1."

Frank Holappa: F-2 changes are result of meetings with City staff. He asked Planning Commission to consider language for Main Street Building I "BTZ may exclude permitted driveway" be included in Corridor Commercial I and Cottage Commercial I as well.

Commissioner Digby left the Planning Commission meeting at 7:35.

MOTION/Second: Mullins/Sydow table the item until the February 11, 2014, Planning Commission to allow additional time for staff and citizen review.

VOTE: Motion Passed, 7-0

Consideration of minutes (December 17, 2013)

MOTION/Second: Meyer/Sarvela

VOTE: (6-0, Moffatt abstain)

Communications

Managers' Report – Froseth reviews the status of upcoming planning projects.

Reports of Officers and Committees

Guggenbuehl and Digby a subcommittee to nominate officers – to be voted on at annual meeting. Froseth noted that Annual Meeting is opportunity for any changes to bylaws.

Other Business

Update on Park Point SAP.

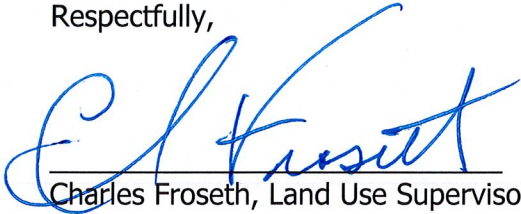
Froseth stated that the Gary New Duluth plan continues. February meeting may include an update for PC.

Adjournment

MOTION/Second: Meyer/Sarvela to adjourn the meeting. Meeting adjourned at 7:55 p.m.

VOTE: Motion Passed, 6-0

Respectfully,



Charles Froseth, Land Use Supervisor