



City of Duluth
Planning Division

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City of Duluth
Planning Commission
July 9, 2013 Meeting Minutes
City 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 pm on Tuesday, July 9, 2013, in the City Council Chambers.

II. Roll Call

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

Absent: Marc Beeman, Garner Moffat, and Zandra Zwiebel (Excused)

Staff Present: Keith Hamre, Steven Robertson, Kyle Deming, Jenn Reed Moses, Gaby Gerken and Cindy Stafford

III. Old Business (tabled from June 11th meeting agenda)

PL 13-077 UDC Zoning Map Amendment to Rezone from Rural Residential 1 (RR-1) to Mixed Use-Institutional (MU-I) at 4000 West 9th Street by Northwood Children's Services (item tabled from June 11th meeting agenda)

Staff: Steven Robertson introduces the UDC Zoning Map Amendment. Staff noted that the zoning request was modified slightly per the Planning Commissions request last month, and that additional information was included in the revised staff report. Drew Digby is concerned criteria for approving or disproving projects in the future. Tim Meyer asks if it will come back to the Commission in the building process. Per Roberston, yes.

Applicant: Present, but did not speak.

Public: No speakers.

Commissioners: Drew supports the project, but is concerned about the accepted uses in MU-I. He would appreciate a cleaner set of criteria to approve or reject in the future.

MOTION/Second: Meyer/Sarvela recommends approval as per staff's recommendation.

VOTE: (6-0)

IV. Public Hearings

A. PL 13-076 Interim Use Permit for a Vacation Dwelling Unit at 2931 Lake Avenue South by Jennifer Beckey

Staff: Kyle Deming introduces the applicant's request for an interim use permit for one vacation dwelling unit consisting of four bedrooms. This address is located on Park Point. He notes the conditions in the staff report that must be met. Staff recommends approval.

Applicant: Present, but did not speak.

Public: Will Fleeson addresses the Commission. He and his wife live next door to the right of the residence. They are, overall, in favor of vacation rentals, but they

have issues with this property: dogs, noise and stolen fire wood by guests. Applicant, Jennifer Beckey, addresses the commission and noted that she gave the neighbors her contact information. She said no dogs are allowed. They have a property manager that is there twice a week.

Commissioners: Mullins asked if the owner has a list of the neighbor's complaints. Mullins asked if the applicant can address all of the neighbors' concerns in their standard rental agreement. The applicant stated, yes. Meyer asked staff what the enforcement policy is for violations. Deming says there are different actions based on the offense. There is an administrative citation that can be issued. Chair Guggenbuehl asked staff about the general restrictions: music, dogs, etc. Per Deming, the recommendation in the staff report is to apply the quiet hours rules that other Park Point vacation rentals are being required to abide by, but noted that the commission can add additional conditions, if they wish. Mullins suggested they can work it out amongst themselves without adding additional conditions. Meyer stated some of the issues are already covered by city ordinances.

MOTION/Second: Mullins/Meyer to recommend approval as per staff's recommendation.

VOTE: (6-0)

- B. [PL 13-084](#) Interim Use Permit for a Vacation Dwelling Unit at 611 West Skyline by Lee and Connie Hoffman

Staff: Kyle Deming introduced applicant's request for an interim use permit for one vacation dwelling unit consisting of four bedrooms. Conditions listed in staff report must be met. Off street parking needs must be provided in one of two ways. Staff recommends approval.

Applicant: Connie Huffman is present. Chair Guggenbuehl asked the applicant if she has a preference in parking arrangements. Huffman states she preferred the first option which allows for parking in front.

Public: Tony Boen resides 615 W. Skyline Pkwy. He is neither for nor against the interim use permit. He is concerned with the parking arrangements. If the parking is in front, then it allows for no yard space and feels the renting neighbors will continue come onto his property as it is the only open area for children to play. He would like the contact information of the owner be provided to him.

Commissioners: Chair Guggenbuehl asked about the parking arrangements. Per Deming they have until November 1, 2013, to remedy the parking situation.

MOTION/Second: Digby/Sarvela to recommend approval as per staff's recommendation.

VOTE: (6-0)

- C. [PL 13-082](#) Quick Plat at the End of Vassar Street by Ronald and Michael Edmunds

MOTION/Second: Meyers /Digby motion to table until next month.

VOTE: (6-0)

- D. [PL 13-083](#) Variance from Corner Side Yard Setback at 731 East 13th Street by Stuart Walker

Staff: Gaby Gerken introduces the applicant's request. Existing house is within the corner side yard setback, including entrances. Jenn Reed Moses notes the finding of

practical difficulty and recommends approval with the conditions listed in the staff report.

Applicant: Stuart Walker addresses the Commission and comments on the stairway measurements. Based on the corrected measurements, Moses suggests the stairway be allowed to encroach no further in the corner side yard than the existing house.

Public: No speakers.

Commissioners: N/A

MOTION/Second: Digby/Mullins approve the variance as per staff's recommendation noting the hardship is the practical difficulty of both the door to the front and rear of the house are in the 15 foot setback.

VOTE: (6-0)

- E. [PL 13-080](#) Variance from Rear Yard Setback at 3026 Minnesota Avenue by City of Duluth

Staff: Steven Robertson introduces the applicant's request and recommends approval.

Applicant: Present, but did not speak.

Public: No speakers.

Commissioners: N/A

MOTION/Second: Digby/Meyer approve the variance as per staff's recommendation noting the hardship as listed in the staff report.

VOTE: (6-0)

V. Consideration of minutes

June 6, 2013

MOTION/Second: Sarvela/Mullins

VOTE: (6-0)

June 11, 2013

MOTION/Second: Mullins/Sydow with change that Moffat is added as volunteering for the Education Committee.

VOTE: (6-0)

VI. Communications

- A. [PL 13-101](#) Selling Tax Forfeit Property at Park Point

Keith Hamre introduces the subject. The parcels are already deemed to be non-conservation status. All but four parcels met the requirements of the small area plan. Provided Council and Port Authority approval, the sale still has to be approved at the next legislative session. Hamre wanted the Commission to be updated on the status. Digby notes that some parcels are under water. Sarvela asks why it is going in front of the PC. Per Hamre, this was presented strictly for the Commission's information. Sydow asks if property owner leasers are aware of the sale. Per Hamre all neighbors are notified. The adjacent property owners have the ability to purchase before the parcels go to auction.

- B. Managers' Report – Hamre gives an overview of Chuck Froseth's report. Due to the Annexation process, there will be a one hour delay in the start time of September's Planning Commission. There will be meeting at First Lutheran Church, July 18,

2013, at 5 p.m. to discuss the London Road area between 10th Avenue East and 21st Avenue East. They are looking at complete street flow and form based districts.

C. Discussion on Corporate Tower and Form District Requirements

Architect John Erickson addresses the Commission. He introduces Ted Davis, the lead architect who shares some slides to share with the Commission. The site is located between 4th and 5th Avenues and to the North of Superior St. The form district requirements help projects blend in with the City. The skyline overview shows tall narrow buildings. The new building will include: 600 parking spaces, and 300,000 square feet of retail space. He notes the urban functions that will revitalize Superior St. He notes that this is a height study at this point. He feels the higher the building, the better it will blend in. Meyer asks if the views from City Hall have been considered and the views from 5th Avenue. He notes the HPC will be interested in this topic. Meyer states the county is also concerned about how the bulk of the building will affect the view shed. Digby confirms that this is in an F-8 District and notes the 188' maximum height allowance. Per Hamre a variance will need to be granted. Digby asks how the size of building will impact the Superior Street corridor. Per Davis, the retail will be on the ground level. Chair Guggenbuehl will be interested in seeing the variance come forward. Meyer thanks the architects for their presentation.

D. [Results of Research on Adaptive Reuse](#) of Closed Churches and Schools

Gaby Gerken addresses the Commission and gives an overview. Staff feels that proposed adaptive reuse of buildings will lead to continued preservation and improvement in an appropriate manner while retaining the integrity of the neighborhood. Some examples of adaptive reuses include: Fitgers, Tycoons, Harbor City International School, and Sir Bens. Gerken shares a slide which shows a previous church in the Netherlands has been re-adapted into a bike garage and book store. She notes that there are practical difficulties with reusing old buildings and notes that a special use permit could be required. Staff recommends that Duluth should consider amending the UDC to allow for adaptive reuse of existing buildings that are listed on the historic register (local or National), or were previously constructed as an educational or religious building. Digby asks a question about R-1 zone. Would restaurants be allowed? He also asks about how it relates to the building code. Moses notes that this research and memo will help develop a dialog. Sarvela likes the idea of reuse and asks about overlay districts. Moses notes the idea is still in planning stage, but that it would be City wide. Per Hamre, the Nettleton school site will be requesting a future land use map change. They have a developer interested in the site.

VII. [Reports of Officers and Committees](#)
Mullins missed the last HPC meeting.

VIII. [Other Business](#) (Note: no action is anticipated on this item until the August PC Meeting)
PL 13-067 UDC Zoning Map Amendment to Rezone from Residential-Planned (R-P) to Mixed Use-Planned (MU-P) at 201 Clover Street (Woodland Middle School and Bluestone Commons) by the City of Duluth (item held over from May 14th meeting agenda).

IX. [Adjournment](#)
Meeting adjourned at 6:44 p.m.



Charles Froseth, Land Use Supervisor