



City of Duluth
Planning Division

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City of Duluth
Planning Commission
March 12, 2013 Meeting Minutes
City Council Chambers - Duluth City Hall

I. Call to Order

President Guggenbuehl called to order the meeting of the City Planning Commission at 5:00 pm on Tuesday, March 12, 2013, in the City Council Chambers.

II. Roll Call

Attending: Henry Banks, Marc Beeman, Drew Digby, Terry Guggenbuehl, Patricia Mullins, Heather Rand, David Sarvela, Luke Sydow (late) and Zandra Zwiebel

Staff Present: Charles Froseth, Steven Robertson, John Judd, Kyle Deming and Cindy Stafford

III. Public Hearings

A. PL 13-005 Environmental Awareness Worksheet (EAW) Review for Traverse Trail

Staff: Robertson noted there were several comments received late and extra time is needed to review these late comments. He gave a brief overview of what an EAW and an EIS (Environmental Impact Statement) are noting both are part of the state's environmental review process. The intent is to identify known conflicts and alert the public and plan for it avoid conflict. The Duluth Traverse is a planned sustainable multi-use natural-surface single-track trail system that will be constructed across the City of Duluth from Jay Cooke State Park to Lester Park. The Duluth Traverse will interconnect several existing trail systems and span the 25-mile length of Duluth with approximately 100 miles of trail in the system. He lists the four general steps: collect information, supply information to the state, publication, and respond to comments.

Public:

Kit Grayson – Board member of COGGS (Cyclists of Gitchee Gumees Shores) and environmental scientist by trade supports trail and wants to ensure it is built to be environmentally friendly. They hired Barr Engineering to help with the EAW. This is a professionally planned (multi-use) trail which will be nationally unique to have a 100 mile long urban biking trail within Duluth.

Tom Tri – Environmental Scientist from Barr Engineering presented an overview of the process. They received comments from the DNR, Core of Engineers, the Pollution Control agency and 2 citizens.

Commission:

President Guggenbuehl asks if all responses will be summarized? Robertson said yes. Digby noted this is a fantastic project and awaits the staff recommendation, which Robertson said will be sent out for the March 26 meeting. Sarvela asks what triggered the EAW and questioned Phases 2 & 3. Robertson replied this is just approval of Phase 1 and that this mandatory EAW as per State requirements. Future phases may also require an EAW. Guggenbuehl asked Robertson for clarification of the Phases. Steven referred to the map and will have more answers in two weeks.

MOTION/Second: Digby/Sarvela recommends approval to table until next meeting in two weeks (3/26/13).

VOTE: (8-0)

- B. PL 13-026 Amend Future Land Use Map of Area Between South 21 Avenue East to South 26 Avenue East Between London Road and South Street from Neighborhood Mixed Use to Central Business Secondary

Staff: After it was noted that the staff recommendation sheet was missing from the Commissioner's packets, staff (Deming) handed out missing pages and Judd proceeded to introduce proposed map amendment change. Staff recommends the change of land use to Central Business Secondary which would allow more intensive uses than MU-N. Next process would be to rezone this area.

Public:

Andy Strom – owns property below the Burger King property. He has been trying to sell it and would like to see the area changed, so something can be built there to enhance the City.

Commission: Digby clarifies the residential aspect of the land use. Per Judd, if it was changed to meet Central Business Secondary it would be zoned as Mixed Use Commercial which allows multi-family and live/work spaces and residential care. Sarvela asked staff to clarify the height restrictions of the MU-C. Judd stated for a non-residential use the height is 45' and residential or mixed use is 90'. Banks asks if there has been dialog with the DTA about expanding their service to this area. There has been no response from the DTA. Guggenbuehl asked what other parts of the City are Central Business Secondary. Judd noted West Duluth and the Plaza area, along with Central Entrance leading up to the Mall

MOTION/Second: Zwiebel/Sarvela recommends approval to amend Future Land Use Map of Area between South 21 Avenue East to South 26 Avenue East between London Road and South Street from Neighborhood Mixed Use to Central Business Secondary

VOTE: (8-0)

Motion Made to bring forward old business item PL 12-173 forward in agenda

MOTION/Second: Banks/Beeman

VOTE: (8-0)

PL 12-173 UDC Map Amendment from R-1, R-2, and MU-N to R-1, R-2, and MU-N for various sites in the East Hillside and Endion Areas by the City of Duluth (previously tabled from the 2/13/13 PC Meeting)

Staff: Judd notes that the maps have been cleaned up, and reintroduces the UDC Map Amendment.

Public: Not a public hearing.

Commission: Digby clarifies zoning along 6th Ave. E. and doesn't want to take away development on 6th Ave. E.

MOTION/Second: Rand/Beeman recommends approval of the nine UDC Map Amendments as recommended by Staff.

VOTE: (8-0)

- C. PL 13-014 UDC Map Amendment from Rural Residential (RR-1) to Industrial-General (I-G) at 1100 West Gary St by Vonco V, LLC

Staff: Robertson introduced the amendment, clarified the application request, reminded the commission that the rezoning request is not the same thing as variance or a special use permit, and re-zoning standards and principles should be considered. Staff recommends approval of zoning request.

Public:

Mark Belich – resident of 526 - 97th Ave. W. is opposed to the map amendment. He is the past president of the Community Club. He is concerned with blowing dust and the site is encroaching onto the residential area.

Ian Bogly – represents Vonco stated the rezoning is a formality and no expansion is slated.

Commission: Clarified that the applicant is the owner of the proposed rezoning property.

MOTION/Second: Rand/Zwiebel recommends approval of UDC Map Amendment from Rural Residential (RR-1) to Industrial-General (I-G).

VOTE: (9-0)

Vacation Dwelling Units

Deming summarized the vacation rental regulations.

- D. PL 13-006 Interim Use Permit for a Vacation Dwelling Unit at 1003-1005 S. Lake Avenue by Joel and Joy Johnson

Staff: Deming reviewed the request for two vacation dwelling units consisting of three bedrooms each. Staff recommends approval with the condition that the off-street parking spaces be paved.

Public: No speakers.

Commission: Zwiebel questioned parking surface requirements. Deming responded it cuts down on erosion. Rand attended the Park Point small area plan meetings noting some citizens are concerned about over-saturation of vacation rental properties and the possibility that they could tip the neighborhood.

MOTION/Second: Zwiebel/Mullins recommends approval with conditions as recommended by staff.* (Later amended to add conditions.)

VOTE: (9-0)

- E. PL 13-016 Interim Use Permit for a Vacation Dwelling Unit at 1621 E. Superior Street by Jeff Latz of Latz Properties

Staff: Deming stated this is a four-family dwelling and applicant would like to convert 2 units for a vacation dwelling (one two-bedroom unit and one one-bedroom unit). Building Code compliance needed due to 4-family status. The building is currently being reviewed by the Permitting Office. Staff recommends approval conditioned on compliance with building codes.

Public: No speakers.

Commission: Beeman questioned rental licensing and sales tax issues. Deming stated the owner can obtain both long-term and vacation rental licenses/permit to keep their options open. He noted sales tax reports are required from the City's Treasurers' office, but is basically contingent on the owner's honesty.

MOTION/Second: Mullins/Beeman recommends approval of the Interim Use Permit as recommended by staff.

VOTE: (9-0)

- F. PL 13-018 Interim Use Permit for a Vacation Dwelling Unit at 1615 E. Superior Street by Jeremy Paggen

Staff: Deming reported this vacation rental shares a driveway with 1621 E. Superior Street. Applicant requests the interim use permit for one vacation dwelling unit consisting of five bedrooms. The first and second floors of the building will be the

vacation dwelling unit (previously a Bed and Breakfast) and the third floor is a separate unit where the owner lives. Applicant has met conditions and staff recommends approval with no conditions.

Public: No speakers.

Commission: No comment.

MOTION/Second: Rand/Sarvela recommends approval for the interim use permit for a vacation dwelling unit based on staff's recommendations.

VOTE: (9-0)

- G. PL 13-017 Interim Use Permit for a Vacation Dwelling Unit at 3315 Minnesota Avenue by Douglas Sabo and Lorri Hanna.

Staff: Deming introduced the request for a vacation dwelling unit consisting of two bedrooms on the bay side of park point. Applicant has met conditions with staff recommending approval.

Public:

Tim Sobczak – 20 year resident of 3301 Lake Ave. S. is opposed stating the house is located on the bay side and does not have beach access. Vacationers will mostly likely seek access through other people's properties. In the past he has experienced disruption of sleep due to parties, loud voices, dogs, children etc. He believes rental units will come at a sacrifice to his family's quality of life.

Harriet Meagher – 45 year resident of 3239 Minnesota Ave. is opposed and reiterates this is a residential neighborhood. In the past she has had bad experiences with

Doug Sabo (applicant) – He is glad there are rules and ordinances for his renters to follow. He respects his neighbors and this is the first time he is applying for a license. Sabo cannot respond to past bad behavior.

Commission: Zwiebel asks if other neighbor would allow renters beach access. Banks asks how many other properties are vacation rentals? Deming cannot fully answer that at this time. Digby suggests a condition be added to the interim use permits for vacation dwellings to make owners provide renters with a map of closest public beach access points. Digby also clarifies the rule that lists a 2nd offense will suspend the license. Deming discusses Legislative Code Chapter 40 – Police have to verify excessive consumption of services, so this can consist of many calls before a citation under Chapter 40. Rand is sympathetic to neighbors' concerns and the small area plan will reflect official access points and improved signage. She appreciates a license can be suspended and noted that a log of Police calls for determining license renewals would be helpful. Guggenbuehl brings up discussion about shortening the permit time span. Regarding the nuisance calls, Digby notes that it would be helpful if a member of the Police Department would give the Commissioners them some insight. After motion more discussion about shortening length of renewal and cost factors

discussed. Per Deming fee for interim use permits is \$650. Rand does not want the process to be cumbersome. Mullins notes they need to revisit the earlier vote and is hesitant to put in restrictions at this early stage. Beeman brings up discussion about rental permits versus interim vacation dwelling units. Deming commented that some landlords will opt to have both. Digby feels we should adhere to 6 year renewal plan.

MOTION/Second: Digby/Banks recommends approval with conditions that guests must receive a document listing: 1) designated access routes to Lake, and 2) quiet hours (between 10 p.m. and 8 a.m.).

VOTE: (9-0)

Motion Made to reconsider PL 13-006

MOTION/Second: Digby/Sarvela

VOTE: (9-0)

*PL 13-006 Interim Use Permit for a Vacation Dwelling Unit at 1003-1005 South Lake Avenue by Joel and Joy Johnson

MOTION/Second: Digby/Mullins amends the previous motion and recommends approval **adding the conditions** that guests must receive a document listing: 1) designated access routes to Lake, and 2) quiet hours (between 10 p.m. and 8 a.m.).

VOTE: (9-0)

(Applicant no longer in attendance, but staff will let Mr. Johnson know of this addition and explain they are being consistent with other rentals on Park Point.)

H. PL 13-032 Concurrent Use Permit for Coldwell Banker at 1732 London Road

Staff: Robertson explained what a concurrent use means. This building is 4 inches on right of way. Staff recommends approval to allow the construction of an entry canopy in the public right of way of London Road.

Public: No speakers. Applicant – Greg Strom (Architect for Coldwell Banker) addresses the Commission.

Commission: No comments or questions.

MOTION/Second: Rand/Sarvela recommends approval Concurrent Use Permit for Coldwell Banker at 1732 London Road.

VOTE: (9-0)

I. PL 13-033 Vacation of Street Easement for Coldwell Banker at 1732 London Road

Staff: Robertson - staff recommends approval.

Public: No speakers.

Commission: No comments or questions.

MOTION/Second: Rand/Sydow recommends approval of vacation of Street Easement for Coldwell Banker at 1732 London Road

VOTE: (9-0)

J. PL 13-013 Vacation of Utility Easements at 4500 Block of Minnesota Avenue by Daniel and Amanda Thralow

Staff: Robertson stated this is a utility easement vacation. The lot was sold in 2008 to a property owner who would like to build a new home. They paid to relocate the utilities to create a larger buildable area. Robertson stated the easement is useless as the utilities have been rerouted.

Public: No speakers. Applicant – Mark (Hanft Friede Law Firm) represents owners and addresses the Commission.

Commission: No comments or questions.

MOTION/Second: Zweibel/Beeman recommends approval of vacation of utility easements at 4500 Block of Minnesota Avenue by Daniel and Amanda Thralow.

VOTE: (9-0)

K. PL 13-011 Vacation of Street Easement for Unimproved Road at North 2nd Avenue West Between West 8th and West 9th Streets by Deborah Anderson and Dianna Hunter

Staff: Robertson introduced vacation of street easement. There was a concern about maintaining the alley and easement. Currently no utilities and is useless as a right of way. Staff recommends approval of the vacation. Robertson noted he received 4 phone calls basically just asking for clarification of what an easement is and noted the significant elevation at this site.

Public: No speakers. Applicant – addresses the Commission and would be happy to respond to any questions.

Commission: No comments or questions.

MOTION/Second: Sydow/Sarvela recommends approval of vacation of street easement for unimproved Road at North 2nd Avenue West Between West 8th and West 9th Streets by Deborah Anderson and Dianna Hunter.

VOTE: (9-0)

- L. PL 13-015 Vacation of Street Easement for Unimproved Road at North 49th Avenue East between Woodlawn and Kingston Streets by Jim Mainella

Staff: Robertson notes there are 4 separate vacations with elevation challenges. Received comments from Engineering about the alley, applicant agreed to amend the description. Due to other vacations and elevation challenges staff believes this will not be needed by the public and recommends approval of the vacation.

Public: No speakers.

Commission: No comments or questions.

MOTION/Second: Zwiebel/Beeman recommends approval of vacation of street easement for unimproved road at North 49th Avenue East between Woodlawn and Kingston Streets by Jim Mainella

VOTE: (9-0)

- M. PL 13-022 Mixed Use Commercial (MU-C) Plan Review of New Credit Union at 801 West Central Entrance

Staff: Robertson reported this is the Shopko parking lot. Applicant would like to re-use lot for a credit union. During review, staff was concerned about traffic safety, but applicant amended the application to alleviate concerns. Staff recommends approval with conditions stated in staff report.

Public: No speakers.

Commission: Guggenbuehl verifies that the PC is the deciding body.

MOTION/Second: Digby/Sarvela recommends approval of Mixed Use Commercial (MU-C) Plan Review of New Credit Union at 801 West Central Entrance

VOTE: (9-0)

- IV. Consideration of minutes –
February 12, 2013

MOTION/Second: Rand/Zwiebel

VOTE: (9-0)

February 19, 2013

MOTION/Second: Beeman/Digby

VOTE: (9-0)

- V. Communications

- VI. Old Business
(Moved up in agenda).

VII. Reports of Officers and Committees

Commissioner Mullins reports on HPC Committee's actions. Discussion about SHPHO. Froseth explains both bodies will report directly to the City Council who is the deciding body on local designations. A public information meeting will be held.

VIII. New Business

There will be a special PC meeting on 3/26/13.

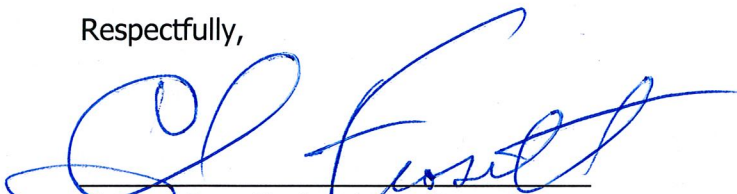
IX. Other Business

Froseth reported there is an upcoming meeting on land use change at the former Rockridge School and another upcoming EAW for Dock 6 is forth coming. Froseth noted it looks like the Commission will see 3 or 4 EAW's this year. Digby asked about sign code amendments and mentioned Councilor Hartman withdrew his amendment. He would like to ensure that future changes go back to the Planning Commission. Robertson adds some sign change will be forthcoming.

X. Adjournment

Meeting adjourned at 7:35 p.m.

Respectfully,



Charles Froseth, Land Use Supervisor