



City of Duluth
Planning Division

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March 27, 2012

Planning Commission Member
City Planning Commission
Duluth, MN 55802

Dear Commissioner:

- I. Call to Order: President Digby has called a meeting of the City Planning Commission for Tuesday, March 27 in the City Council Chambers.
- II. Roll Call: Henry Banks, Terry Guggenbuehl, Frank Holappa, Heather Rand, David Sarvela, Luke Sydow, John Vigen, and Zandra Zwiebel.

Absent: Banks

III. Public Hearings

- A. PL 12-030 - A Comprehensive Plan Map Amendment for the Higher Education Plan to Change the Future Land Use Map as follows:
 - 1) From Traditional Neighborhood and Preservation to Urban Residential from 6th Avenue E to 14th Avenue E to 14th Avenue E, between the alley above 9th Street and the alley below 9th Street
 - 2) From Urban Residential and Traditional Neighborhood to Neighborhood Mixed Use along Hickory Street south of Rive Lake Road and
 - 3) From Institutional and Traditional Neighborhood to Urban Residential north of St. Marie Street and south of Worth Street, between Midway Avenue and Oakland Circle.

Jenn Reed Moses explained that these three amendments were recommended in the Higher Education Small Area Plan. After the comprehensive plan amendments, we will have public meetings in each area to discuss rezonings. The 9th Street amendment recognizes residents' desire for small-scale businesses in residential neighborhoods. There are many existing businesses already, which wouldn't be supported by the current future land use designation of Traditional Neighborhood. The suggested zoning designation for Urban Residential is R-2. Businesses would be allowed with a special use permit. Neighbors would be notified and have input on any special uses.

The second proposed amendment to the future land use map is Boulder Ridge on Rice Lake Road. We have 1,000 students that live in this area. Right now they need a car to get to anywhere. We want to promote alternative modes of transportation and support small retail services that students can walk to. The 3rd area is St. Marie Street. This is right across from UMD campus. They are looking to change the land use map to Urban Residential and this is nicely buffered from surrounding residential neighborhoods.

Sandy Robinson- 723 E 7th Street - For the average person it is hard to explain things like the comprehensive plan and UDC. She did not understand this, for someone who has a house here it doesn't mean that much? Digby stated that this is to change the future Land Use map.

Moses stated that is Urban Residential and is still supportive of single family homes. With any special use there is a notification process and neighbors would have a chance to be part of the process.

Vigen asked how properties are zoned in the 9th Street corridor. Moses stated it is a mixture of R-1 and MU-N. MU-N provides for mixed use, what will happen to those businesses if switched to R-2? Moses says that they will be looking at what are the businesses and uses in this area. Vigen asked if rezoned to R2 will it be grandfathered? This will be something that they will look at this when it comes to this phase. Lutterman stated that under the grandfathered use, they can use the nonconforming and all future uses have to comply with the code. Hamre stated that there will be an analysis phase, and a number of community meetings. We don't want to automatically presume what the recommendation will be. We are not at that stage yet.

MOTION/Second: Guggenbuehl/Zwiebel to **Approve as Presented** the Comprehensive Plan Map Amendment for the Higher Education Plan to Change the Future Land Use Map as follows:
1. From Traditional Neighborhood and Preservation to Urban Residential from 6th Avenue E to 14th Avenue E, Between the alley above 9th Street and the alley below 9th Street
2. From Urban Residential and Traditional Neighborhood to Urban Residential north of St. Marie Street and south of Worth Street, between Midway Avenue and Oakland Circle.

VOTE: (7-1) Vigen

- B. 12-008 - UDC Zoning Map Amendment to Rezone Property from Residential-Traditional (R-1) to Residential Urban (R-2) the west half of the Kenwood School site (1750 Kenwood Avenue) by Greg Carlson.

John Kelley stated that the applicant is requesting the rezoning of the western portion of the property from Residential-Traditional (R-1) to Residential Urban (R-2) and leave the eastern portion of the site as Residential-Traditional (R-1) at 1750 Kenwood Avenue. The applicant wants to reuse the existing school building to create 25-apartments for traditional neighborhood. The proposal is consistent with the Comprehensive Land Use Plan and applicable Governing Principles. Staff recommends that the Planning Commission recommend approval to the City Council of the rezoning from Residential-Traditional (R-1) to Urban-Residential (R-2) for the westerly portion of the property located at 1750 Kenwood Avenue. Sydow asked about for review of the proposed multi- family reuse of the building on the site. Kelley stated that a plan review for a multi-development would be required.

Applicant - Greg Carlson/Greg Strom. Strom stated that he is the applicant's architect. They had several meetings with staff and neighbors to see what would be best to move forward. The site plan incorporates some of the items suggested at the neighborhood meeting.

Tom O'Rourke – 1215 W Victoria Street. He had a question on Site reviews - if this moves forward would there be a site review? Kelley stated that yes there would be a Plan Review. He would like to point out that it is an interesting site and Victoria Street is currently a dirt road. While close to a more densely urban area it also feels rural. He stated that this is on the crossroads between some less populated areas and this might encroach on and ruin the experience.

Tom Bowman – 1231 Maryland Street. They wished to purchase a property by the Kenwood School which was zoned R1 Residential/traditional. The zoning code is a contract. Downgrade the zoning proposes a change in the existing zoning regulation is downgrading to the area. Guggenbuehl stated that it is good to see reuse of the building. Vigen stated that if they razed the building, it would take a lot of work and cost a lot of money.

MOTION/Second: Vigen/Guggenbuehl to **Approved as Presented** the UDC Zoning Map Amendment to Rezone Property from Residential-Traditional (R-1) to Residential Urban ((R-2) the west half of the Kenwood School site (1750 Kenwood Avenue) by Greg Carson.

VOTE: Unanimous (8-0)

- C. Deming showed the map with 20 acres and in 2004 it was rezoned from manufacturing R2- B and they were to prepare the site with the configuration there. Staff is reviewing this petition and the UDC calls for this to be rezoned. He continued to go over the file and the points in the discussion section. This meets the criteria and calls to be done in the UDC. Deming recommends to rezone to R-2.

Mark Cross – Architect Rapid River Development. They want to construct two 29 unit apartment buildings and 9 duplexes/residences. The part in the south end would not be developed and open up to public use. Sydow had asked if sidewalks or trails which connects to 88th and up to Grand. There is an existing trail. It shows better on the black and white. The pedestrian trails go through the site. Vigen stated if this is phased in and to phase in the rest. Vigen stated that they would be 3 stories for the apartment buildings and the landscape plan there is a landscape buffer on the first building. Vigen asked when will the landscape requirements kick in? Kyle stated that this would be worked out during the RP plan for this site.

Sydow wanted to know how they would connect with existing trails - applicant stated that this expands beyond the project. Vigen asked if this will be phased in slowly - the applicant stated that they will phase in the buildings. Vigen stated that it would be 3 stories - there are landscape buffers. At what point will the landscape requirements kick in? Deming stated that this is part of the RP plan. Sydow asked when are trails to go in for the RP district? The applicant went over the plan.

MOTION/Second: Zwiebel/Sarvela to **Approve as Presented** the UDC Zoning Map Amendment to Rezone Property from Residential-Traditional (R-1) to Residential-Planned (R-P) approximately 20 acres at the southeast corner of Grand Avenue and Hulett Avenue by Rapid River Development, LLC.

Vote: Unanimous (8-0)

Hamre stated that they will be looking at the RP plan for the next 3 items. These RP's are complex they want to focus on getting their comments.

Holappa asked if this is the only opportunity to weigh in on this? The public should be able hear the details of the project. Rezoning is a changing use. Vigen added that an RP plan comes through under

the UDC. The planning commission values input and want your input. Holappa asked if this is the only opportunity for the public and are they made aware and voice their input on this. Hamre stated that he wants their comments. There will be a lot more details that come up.

- D. PL 12-012 - UDC Zoning Map Amendment to Rezone Property from Residential-Urban (R-2) to Residential-Planned (R-P) property at 201 Clover Street by Village Center Development, LLC & Blue Stone Commons LLC

Robertson stated that the lots are highlighted for right of way and for vacation. Current zoning is R1 and R2, and in the future land use map shows that this is neighborhood mixed use. Staff takes in account the character of this area and that the RP would be a good fit. Staff recommends approval of the RP rezoning as it fits with the neighborhood and the comprehensive plan. Sydow asked if this was zoned mixed use neighborhood, could they do anything they wanted to. Robertson stated that could do many of the same uses, but not reuse the school as college use. Staff Recommends approval for the R-P.

Mark Lambert stated that they have 22 acres of very unique well position of land and with a high school on it. They had been in student housing over 15 years. They are getting out ahead of their concepts and bringing everyone together. If we have 200 students it that makes the viability even better. We are having a re-use of a school. He stated that there are changes and they deal with them as positive as they can. They want to respect this and there is a nice buffer zone. They are excited and the challenges as you look at it and it are pretty creative. They will have a greater walkability. Sydow asked if these are some trees on the site. We had a person out there identifying the species, and some large pines. Sydow stated that some of this to clarify as needed- applicant stated that they could get the architect. Sydow states that it is not as far along as it should be. Hamre stated that we are getting into the comments that relate to the RP Plan – what are the public benefits and that they are there. It is a tough position when you have the overview and will be back up to show more details. Digby stated for you to give us more information and have you come back with this. Sydow stated that we have the opportunity and congratulate you on it. Holappa stated that this is either the chicken or the egg.

Robert Ryan - 2610 8th Street. He has a development company. He doesn't think that any of them don't have a clue and that they need more public process and input. This is a very unique site and a great site for what Lambert proposes. He stated that Lambert met with them on various occasions and this is a very significant plan that we have looked at. He thinks that there need to have more time with this.

Bill Jackson - 912 - Woodland Avenue - He moved here and he has delt with landlords, as well as parents who buy a house for the students. He appreciates what he has done to the properties – he will endorse this and he appreciates what they have done here.

Samantha Spaeth – 535 Boulder Dr Apt. 111 She is Living at Boulder and it is very respectful and it feels like she is home. She knows that there are always people available and feels very safe. The management is understanding and accommodating. She has been here 2 years now and always feels welcome. She was a student for 4 years being at UMD, she is excited to see this.

Sandy Robinson - 723 E 7th Street. She is in support of the zoning changes and as part of Campus Neighbors. This type of housing is something that the community needs. Mr. Lambert's development is known for having stricter rules. She is in support for this plan and hopes that it will succeed and they respected the public input.

Ron Franzen – representing St. Lukes. This will be our future neighbor and there are a lot of synergies as he is keeping us apprised as they push it together.

Dick Abrey – They all agree that this is a fine project. They have one great concern which is traffic. They met with Mark and gave them a tour of the facility. They had two concerns which is traffic, and if you look at the site plan there are very dense areas. This has about a 100' buffer between residents and the facility. The proposed plan didn't show the expanded parking lot. Abrey stated that there will be no more traffic when it goes through. If that access is allowed he is certain there will be more traffic.

Bruce - 32 W 8th Street. He is familiar with commercial and residential buildings. He thinks that this is a tremendous asset to this area. He is in favor of this development.

Shannon - 2323 8th Street. The parking issues had been addressed by this plan. They need traffic suppression that will force the cars to slow down. This will only add additional pressure on that street.

Eric Johnson - 4430 Fairview Rd Lambert sees a great opportunity for this area.

For this to go forward the UDC needs to move forward. Robertson stated that the RP District was commercial servicing residential tacked on.

Vigen stated that we need to vote yea or nay and to rezone to RP. Hamre stated that we will be making modifications and that they may have to have some details flushed out. Holappa stated that what the time frame is for this. We would like to understand what we are working with and feel comfortable to say yes or no. Hamre stated that to have some of the details needs to do those things right and make it work. This is a major component and rezoning, we will have a Special Meeting at April 17, 2012.

Holappa asked if the Council needs to approve this. Digby stated he will put this forward on the 17th. Vigen stated that we need to adhere with what the RFP is for.

Hamre stated that before they get a permit they will be very involved in this. Vigen stated that we need to be somewhat cautious. We found some omissions of understandings. Digby stated that there are some key areas that they need to be aware of.

Motion to the Floor to discuss the merits of the RFP. Rand Second. Vigen stated that he had met with about 300 people, built a project that worked and that had excess of people. He did what he said he would do. Most developers would not do this and all provide housing for students. As plans evolve, he was concerned about big buildings. He thinks that we have an unusual property. It is reasonable to expect they would incorporate the needs of the student population. They want and need this kind of infrastructure. They also need housing and that the original concept for university students and infrastructure to support this. We would try to protect the existing housing.

Guggenbuehl stated Flexibility is afforded with the developer and how it is laid out. He fully trusts the City staff and they have the opportunity to have a good plan.

Holappa is appreciative that they have the opportunity and the public as well. He is in favor and will support the rezoning.

Digby stated that variety is the primary word and he hopes that he doesn't want to have the traffic on the back side and the saving of the trees. He is supportive of this project. Sarvela stated that he came here and that the commercial with parking part is a big one for him. Digby thinks we need strong bicycle connectivity, variety is good, hope that traffic will not be increase, and saving of trees and he is supportive of this project.

Vigen stated that he would hope to bridge the university on the west side. There should be a working group involved in that.

Utility easement does contain a gas line in the site and the vacated line along the building line easement. Staff finds that this easement is not needed to approve of this vacation request.

The criteria for vacation for public utilities staff found that it is not needed for those purposes.

Motion/Second: Vigen/Rand to **Approve** the UDC Zoning Map Amendment to Rezone Property from Residential-Urban (R-2) to Residential-Planned (R-P) property at 201 Clover Street (Woodland Middle School) by Village Center Development, LLC & Blue Stone Commons LLC. **Vote:** Unanimous (8-0)

- E. PL 12-010 - Vacation of Utility Easements at 201 Clover Street (Woodland Middle School) by Village Center Development, LLC & Blue Stone Commons, LLC.

The applicant has asked to table this for 2 weeks. Robertson showed the map of the area. The applicant has some visuals if the application is approved. Robertson went over the site. Staff stated that based on the available information, they recommend denial.

James Ries – ATT. They would like to table this and with further discussion. His first demonstration is that we did not have proof of need. College students use their mobile phones. They would like to allow a discussion regarding the requirements by the consultant. This is referenced in the staff report that the definition of stealth and would like to work with Robertson and to see the stealth cannot be implemented.

Digby stated that they need strong bicycle connectivity. We don't want to see a sea of parking lots. Sarvela hopes that there are some lots on that back side. Vigen added that this is going to be a unique area. We hope that the city would be able to bridge to the west side. There should be a working group.

MOTION/Second: Vigen/Rand to **Approve** the Vacation of Utility Easements at 201 Clover Street by Village Center Development, LLC & Bluestone Commons LLC. **VOTE:** Unanimous (8-0)

- F. 12-011 - Vacation of Right of Way at 201 Clover Street by Village Center Development, LLC & Blue Stone Commons, LLC.

When we adopted the UDC we would needed to update the text. We would like to get more comments on this. They looked at the easement for utilities and Staff Recommends approval to the vacation of the Right of Way.

MOTION/Second: Vigen/Guggenbuehl for the **Vacation of Right of Way** at 201 Clover Street by Village Center Development, LLC & Blue Stone Commons, LLC.

Vote: Unanimous (8-0)

- G. 11-122 Special Use Permit Amendment for Telecommunications Facility (49' Monopole) in a Residential-Traditional (R-1) zone at 2010 E 7th Street by Buell Consulting.

Robertson stated that the applicant has asked to have this at later date. The future land use for landscaping applies to the developments. Robertson showed the views of this. Sydow wanted to know why assessed values could be low? He thinks 25% is too high in some cases. They need to reassess that. Sydow said that this is unique to enjoy spaces outside.

Lutterman stated the reference for parking and variances from parking. Variance from maximum parking limits provided in 50. 24.4 and you have to prove hardship. Sydow asked about the alternative plan. Robertson stated that we are demonstrating alternative landscaping. This has flexibility and there is some of this here. Robertson presented the file and the applicant has not shown proof of need.

MOTION/Second: Hollapa/Guggenbuehl to **Table** the Special Use Permit Amendment.

Vote: Unanimous (8-0)

- H. PL 12-019 - UDC Text Amendments (Revisions to the UDC)

This is a new system to have to have every tree counted and he has done it all. He thanks Commissioner Vigen and they has about 20 neighbors that came and they did it right. He wants to satisfy the R-P plan. He will be continuing with it and it will change over time. One of the things is the concept that we evolved. There were a couple of plans – don't mix your retail. This does not help the neighborhoods. They are working with planning.

He is here and has started housing in a lot of campuses. When they started they were sure they could fill this. This project has looked at retail and their success to land the retails have not yet come to fruition. They have adjusted the plan. As the student housing has been desensitized – this calms it down. Those spaces are looking for the pedestrian activity. They want to be cautious and to keep it concentrated in the active spaces. Holappa asked if there is a single surface lot, and the applicant wants to expand it for a potential future deck.

The issue is that the neighbors do not want access – The applicant has a drive aisle – subject to fire marshall consent. The Fire Marshal would have a knock down barrier. Sydow stated that Mount Royal

never had a vacancy. The applicant added that there needs to be a retail site and how they can do this? He would like to have this plan evolve. Vigen stated that he was not in favor of this. He would rather have the bigger buildings in the back of it. We have a lot of effort in putting this together and they will bring it on the 17th. They had a conference call at LHB – there was a conversation with a no build area. How do we move forward but put standards in with it. We will also want them to rezone it.

VI. Old Business

A. PL 11-134 - Zoning Map Amendment of the Downtown from mixed Use-Commercial (MU-C) to Form districts, Mid-Rise Community Shopping/Office (F5), Downtown Shopping (F-7), and Downtown Mix (F-8). Boundaries of the Area are from approximately Mesaba Avenue to North 3rd Avenue East and from Michigan Street to the alley above 2nd Street by City of Duluth.

B. PL 11-141 - Comprehensive Plan Map Amendment at Central High School at 800 E Central Entrance from Institutional to Business Park, Neighborhood Commercial, Recreation, Preservation, and Transportation and Utilities by the City of Duluth.

C. PL 12-018 - Special Use Permit for Broadcast Radio Station at 415 W 9th Street by State of Wisconsin Educational Communications Board.

VII. Reports of Officers and Committees

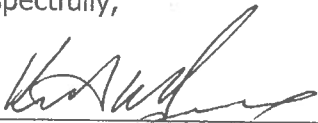
VIII. New Business

IX. Other Business

A. Information on R-P Plans

X. Adjournment.

Respectfully,



Keith Hamre, Interim Planning Manager