

City of Duluth  
Planning Commission  
April 12, 2016 Meeting Minutes  
Council Chambers - Duluth City Hall

I. Call to Order

Vice-President (VP) Garner Moffat called to order the meeting of the city planning commission at 5:03 p.m. on Tuesday, April 12, 2016, in city hall council chambers.

Roll Call

Attending: Marc Beeman, Terry Guggenbuehl, Janet Kennedy, Tim Meyer, Garner Moffat, Mike Schraepfer and Luke Sydow

Absent: Zandra Zwiebel

Staff Present: Keith Hamre, Nate LaCoursiere, Jenn Reed Moses, Chris Lee, Kyle Deming, Steven Robertson and Cindy Stafford

II. Public Hearings

- A. PL 16-030 Future Land Use Changes for Arrowhead Road Land Use Study Area, from east of Haines Road to Arlington Road, by City of Duluth

**Staff:** Jenn Reed Moses introduces the city's proposal. After researching the area, looking at existing land uses, and taking into account the comments received throughout the study, staff has developed several Land Use recommendations, which are listed in the staff report. Staff recommends approval.

**Applicant:** N/A

**Public:** Howard Jacobson – 1110 Como Ave. – Member of Eastridge Community Church – he would like to ask commissioners to extend multi-use designation further west to include Eastridge Church. He is in support of the future land use change.

Jay Ott – 1515 Morningside Ave. – Member of Eastridge Community Church – they have extensive youth programs and he would like their property to be used 7 days a week. He would like to see a mixed-use neighborhood zoning to allow for a community center and a wellness center.

Tom Asbury – 815 Grandview Ave. – Senior Pastor Eastridge, he supports the changes and wants to see Duluth grow and succeed. Currently they are zoned RR-1 for a single family house. He is in support of being included in a mixed-use neighborhood.

Arrowhead Road is not going to get less busy and they can plan for what is coming.

Lea Bergwall 4852 Woodrige Dr. – addresses the commission, she represents Secret Forest Playschool who leases space from Eastridge. She voices her support.

Paul Goossens – 1816 North Rd. – He is the president of Tischer Creek Duluth Building Company who is associated with Edison Charter schools. They currently own property at Technology Drive and Rice Lake Road and operate the North Star Academy School.

Edison is planning a future high school on the property which used to be the Snow Flake ski area. He is in support of staff's recommendations. He thanks staff for their public engagement and study on the future use of the area. He is in support of staff's recommendations.

Bill Burns – 3332 Minnesota Ave. - Attorney representing J&S Partnership which owns property in the area zoned R-1. He doesn't want the property to be down-zoned and is opposed to staff's recommendations.

Linda Ross Sellner – 402 W. Arrowhead Rd. – She thanks the commission for their service. She too was a public servant and served on two commissions including the public utilities commission which oversaw storm water management. She is educated as a land use planner and she finds this land use study exhaustive. Arrowhead Rd. should exclude Rice Lake Rd. portion. She is opposed to future land changes on Rice Lake Rd. She would like to divide this study. She doesn't agree with calling green space "vacant". Wetlands and trout streams are on this vacant land. Planning department has a right to individual citizen as well as businesses. She urges commissioner to split this study up and is opposed to their recommendations.

Brad Johnson – represents Duluth Tabernacle Church – they agree with staff and notes there are a lot of wetlands. He is in support.

**Commissioners:** Terry Guggenbuehl asks about the possibility of moving the MU-N future designation in order to include Eastridge Community Church. Moses refers to the map and notes area F is transitioning to less dense designation as it approaches west. Guggenbuehl asks how the line was determined and why wasn't Eastridge included? Moses states they used property lines. Director Keith Hamre states they are trying to keep more intense commercial uses compact and closer to the intersection of Rice Lake Road and Arlington Avenue. Luke Sydow notes the J&S partnership parcel. There is a non-buildable buffer between the Caterpillar Machine shop and 3601 W. Arrowhead Road. Could that be the barrier instead of the property line? Tim Meyer comments Duluth is full of skirt development. He likes to take control of development density along Arrowhead Rd. He likes what he sees. Guggenbuehl asks if there are follow up zoning changes planned. Director Hamre states staff presented three different scenarios. They supplied the commissioners with the background information. As the rezoning begins, they can either have the applicants initiate rezoning, or the city can take the initiative. If this passes, he thinks the city should initiate. VP Moffat asks about urban growth and infill. He notes density swap options and the existence of sensitive water areas. Moses replies staff presented this topic at their second public meeting. Going forward some areas are suited for development and some areas are better suited for preservation. VP Moffat notes the traffic count and the fact it's a busy area. How do they manage traffic? Moses spoke with county engineering and their intent is to add a center turn lane. They will be looking on a case to case basis on driveway allowance.

**MOTION/Second:** Meyer/Guggenbuehl recommend approval as per staff's recommendations.

**VOTE: (5-2, Beeman and Sydow opposed)**

- B. PL 16-017 Partial Vacation of Utility Easement at 7700 Grand Avenue by Benedictine Care Center and Melissa Maloney of Fryberger Buchanan

**Staff:** Chris Lee introduces the applicant's proposal for a vacation of a utility right of way. This is to cure a slight encroachment of the building into the existing utility easement. The vacation is for one foot of a sixteen foot wide utility easement. The city will still have 15 feet of the utility easement available for future utility usage. Staff recommends approval without conditions.

**Applicant:** Erin Kohlquist of Fryberger law firm who represents Benedictine Care Center addresses the commission and asks if there are any questions.

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Sydow/Kennedy recommend approval as per staff's recommendations.

**VOTE: (7-0)**

**(Sydow recuses himself.)**

- C. PL 16-025 MU-C Planning Review for a Primary Use Parking Lot at the 4400 Block of Grand Avenue J and S Partnership LLP

**Staff:** Jenn Reed Moses introduces the applicant's proposal for a planning review for a primary use parking lot with 24 parking stalls in the MU-C district. As a primary use parking lot, site features such as drive aisles and accesses must function independently of other neighboring sites and businesses. It is anticipated, though, that the primary use of the parking lot will be for overflow parking for the adjacent Whole Foods Co-op. The applicant has revised the lighting plan so condition #2 can be removed from the staff report. Staff recommends approval with the remaining two conditions listed in the staff report.

**Applicant:** Bill Burns who represents the applicant addresses the commission and asks if there are any questions. Guggenbuehl asks about snow storage to the north west and notes it is listed as off the property. Burns states if the land is used for something else, the snow will have to be removed. Janet Kennedy asks what they are building. Burns states J&S is providing parking assistance to the Whole Foods Coop.

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Guggenbuehl/Meyer approved as per staff's recommendations.

**VOTE: (6-0, Sydow Abstained)**

- D. PL 16-021 MU-I Planning Review at 2503 Rice Lake Road by St Louis County

**Staff:** Kyle Deming introduces the applicant's proposal to reconfigure the parking lot and landscaping as part of the renovation of the A.P. Cook Building into offices for county employees. The A.P. Cook Building is the former laundry facility adjacent to Chris Jensen Nursing Home. Staff recommends the planning commission approve the planning review subject to the conditions listed in the staff report. VP Moffat refers to the increase of impervious surface. Does it still meet the requirements? Deming states yes. There is a stormwater management plan in place.

**Applicant:** William Scalzo of Scalzo Architects addresses the commission. This request is the last piece needed to adaptively reuse the old laundry building. They began the process in 2009. He confirms stormwater management is occurring. The retention although not on the same parcel is still on Saint Louis county property. They had to move the rain garden across from Marble Street. They are in compliance.

**Public:** N/A

**Commissioners:** VP Moffat asks about stormwater retention. How does it work if it's not on the property? Deming states it is all Saint Louis county's property within a mixed-use district. It is within their right to split it up if it's common property.

**MOTION/Second:** Meyer/Beeman approved as per staff's recommendations.

**VOTE: (6-0, Sydow Abstained)**

**(Sydow re-enters meeting.)**

- E. PL 16-023 Minor Subdivision to Subdivide 1 Platted Lot into 2 Parcels in a Mixed Use Business (MU-B) District at 4110 West Superior Street by Richard Bruce Edwards and Kurtis Bodin

**Staff:** Steven Robertson introduces the applicant's proposal to split one existing platted lot into two separate parcels. An existing structure on site will straddle the proposed new two parcels. Staff recommends the planning commission approve the minor subdivision with the conditions listed in the staff report. VP Moffat asks about the frontage of the two lots. Wouldn't one lot front 42<sup>nd</sup> Avenue and the other front be on West Superior? Robertson usually the frontage is located along the shortest dimension of the public right of way. Staff feels the way traffic uses this it's considered the narrowest part of the public right of way. The access along 42<sup>nd</sup> Avenue has been vacated. VP Moffat asks if this would be creating a non-conforming structure. Robertson states the MU-B zoning has a zero foot side yard setback, so it currently meets all current zoning standards.

**Applicant:** Richard Edwards addresses the commission. Meyer asks if this has been approved through building safety. There is a property line within the building. Edwards states there is a 2-hour fire wall within the building, and it is approved.

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Guggenbuehl/Beeman approved as per staff's recommendations.

**VOTE: (7-0)**

- F. PL 16-031 UDC Text Amendments (May be Tabled Until May 10 For Additional Discussion)

- 50-15.2, -15.3, and -15.5 MU-N, MU-C, and MU-B Zoning Districts (Amending Height Limits)
- 50-18.1.D Shoreland (Exceptions for Solar Equipment and Removal of Noxious Vegetation)
- 50-20.3 Commercial Uses (Revised/Expanded Use, Self-Service Storage Facility)
- 50-20.7 Adaptive Reuse of a Local Historic Landmark (Allowing in R-P Zone District)
- 50-21.3 Exceptions and Encroachments (Clarifying Egress Window and Porch Standards)
- 50-22.4 Cap Type (Clarifying Roof Slope Requirements in Form Districts)
- 50-24.2 Required Parking Spaces (Increase High School Off-Street Parking Requirements)
- 50-27.3 and -27.7 Signs (Clarifying Sight Triangle, Allowed Signs in MU-I, and Billboards)
- 50-29 Sustainability (Adding Additional Options for Compliance)
- 50-32 International Property Maintenance Code (Reference New Version)
- 50-37.9 Variance Standards (Amending to Better Conform to State Statute)

-50-24.2 Required Parking Spaces (Increase High School Off-Street Parking Requirements)

**Staff:** Robertson they have an item on next month's agenda and this would be relevant to act on it tonight. He shares a table that was distributed to the commissioners. He

recommends changing high school parking requirements and creating a two-pronged approach: either six parking spaces for each classroom or two parking spaces per 1,000 square feet, whichever is greater. Other cities use other metrics, but staff feels this flat measure is appropriate. An analysis was shared on the Duluth Schools regarding spaces per 1,000 square feet. Staff is proposing 2 per thousand square feet. Michael Schraepfer asks if existing schools would have to adhere to this requirement. Per Robertson, no they would be grand-fathered in, but additions would need to meet parking conformance. Sydow refers to East and Denfeld High Schools and people parking in the neighborhoods. Are those #'s included in the calculation? Per Robertson, no they are not.

**Applicant:** N/A

**Public:** Paul Goosens – 1816 North Rd. – president of Tischer Creek Duluth Building Company who is associated with Edison Charter schools addresses the commission. They are in support of the increase in parking requirements and agree with the two-pronged approach. He would like there to be dialog for re-evaluation on all school levels. Dave Chmielewski – 2020 14<sup>th</sup> St. - Cloquet – (representing Duluth Edison Charter Schools) - addresses the commission. They are proposing 320 parking stalls for the new high school. They did an analysis using other high schools and they feel their proposed parking is a justifiable amount. They will be bringing their variance request to the commission next month.

**Commissioners:** Guggenbuehl asks staff if they should take each UDC text amendment individually. Director Hamre states the commissioners can decide to table with feedback for staff on how the parking calculation looks. Guggenbuehl would like more time. Marc Beeman is in agreement to table. He wonders where all these students are coming from. School enrollment is down. Why is there a problem? Meyer notes some campuses are in urban areas, so the issue becomes what is an appropriate ratio. Maybe multiple ratios are needed based on the urban nature of the school. Sydow would like to address the parking issue, but table the rest. He would like to know more about the demand/need for parking for recreation activities and well as for the school. Schraepfer agrees with Sydow. He notes the neighborhood around East high school and the parking is horrendous. He doesn't feel urban/versus suburban is relative. They just need enough spots. VP Moffat likes moving to square foot calculation and feels it's consistent. The bigger you make the lot the more people will drive. How can we enable better mass transit to eliminate the parking need? Sydow notes this is also an outdoor rec area so it's hard to tie square footage just to the building. Schraepfer notes event parking at East High School and parking can stretch out to six blocks away. Meyer suggests looking at other suburban high schools. Comparing East High School or Edison are two different scenarios. VP Moffat notes Harbor City School and not as many students drive. More discussion is needed.

**MOTION/Second:** Beeman/Sydow Tabled for More Discussion.

**VOTE: (7-0)**

### III. Other Business

- A. Vacation Rental Definitions – Steven gives overview. Director Hamre noted city council approved accessory home share, which ends the moratorium on vacation dwelling units. The city can start issuing home share permits on 5/13/16. Vacation Rental Dwellings

applied for now will be based on the old rules. The city council is proposing a 60 unit cap on vacation rentals city wide.

IV. Communications

- A. 3 to 5 Minute Presentation from Alison Kern on Pending Project for Hobby Lobby Center. They are planning a minor subdivision and plan to divide the parcel into three parts to accommodate for an Aldi's store. They plan on site improvements which includes, adding landscaping, improving the parking lot (which will include restriping), adding two walkways, and will have greenspace up to 12%.
- B. Manager's Report – Director Hamre gives an overview of his report. There will be a Special planning commission meeting on 4/25/16. There will be a joint powers zoning meeting with Midway Township on 4/28/16 for the Nopeming site. MN DOT is hoping to secure funding by Fall for roadwork on can of worms area.

C. Consideration of Minutes:

March 8, 2016

**MOTION/Second:** Guggenbuehl/Meyer approve the minutes

**VOTE: (7-0)**

March 15, 2016

**MOTION/Second:** Guggenbuehl/Beeman approve the minutes

**VOTE: (7-0)**

D. Reports of Officers and Committees

-Heritage Preservation Commission Representative, Guggenbuehl gives an overview. Last meeting overview of repairs needed at the old central high school/administration building.

- E. Brown Bag Meeting, Wednesday, April 20<sup>th</sup>, is being replaced with a special meeting on 4/25/16 at noon to discuss partial vacation of streets for NorShor Theater.

- F. Meeting adjourned at 7:04 p.m.

Respectfully,

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Keith Hamre - Director  
Community Planning and Construction Services