

City of Duluth
Planning Commission
June 11, 2019 Meeting Minutes
Council Chambers - Duluth City Hall

Call to Order

President Janet Kennedy called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, June 11, 2019, in city hall council chambers.

Roll Call

Attending: Gary Eckenberg, Janet Kennedy, Tim Meyer, Margie Nelson, Michael Schraepfer, Luke Sydow, Sarah Wisdorf, and Zandra Zwiebel

Absent: Jason Crawford

Staff Present: Adam Fulton, Robert Asleson, Steven Robertson, Kyle Deming, Mollie Hinderaker, and Cindy Stafford

Approval of Planning Commission Minutes

May 14, 2019, Regular Meeting –

MOTION/Second: Zwiebel/Wisdorf approve the minutes with minor changes

VOTE: (8-0)

May 29, 2019, Special Meeting

MOTION/Second: Meyer/Nelson approve the minutes with minor changes

VOTE: (8-0)

Presentation

1. Revised Report, Local Designation of the Lake Superior and Mississippi Railroad by City of Duluth – Deputy Director Adam Fulton gives an overview. The railroad runs between Boy Scout Landing on the west to Spring Street on the east. City council elected to hold off on this nomination until further analyses regarding Make Lake alternatives were completed. This information was shared at the public Mud Lake Workshop on 5/30/19. Now that this has been completed, the nomination process can be renewed. The planning commission is tasked to review and forward their recommendation to the city council. Staff recommends approval. Gary Eckenberg asks about the four options that were considered at the meeting. Per Deputy Director Fulton, the options have no bearing on the consideration of a historic resource designation, as it will be evaluated on the basis of the history of the railroad under any of the options. Chair Kennedy is in support of the nomination and feels it is important to support the community members.

MOTION/Second: Zwiebel/Sydow support the historic nomination

VOTE: (8-0)

Consent Agenda

2. PL 19-051 Interim Use Permit for a Vacation Dwelling Unit renewal, 702 N. 7th Ave. E., by Charles Sill and Linda Simmons

3. PL 19-054 Final Plat of Hawthorne Division at northwest corner of E. Fourth St. and Hawthorne Rd. by Julie Ann Kubat

Staff: Steven Robertson lists the consent agenda items.

Public: There are no speakers.

MOTION/Second: Eckenberg/Sydow recommend approval of the consent agenda items as per staff's recommendations.

Public Hearings

4. PL 19-068 UDC Map Amendment to Rezone Property at Lester River Golf Course, From RR-1 (Rural Residential 1) and R-1 (Residential-Traditional), to MU-N (Mixed Use-Neighborhood), and P-1 (Park and Open Space) by the City of Duluth

Staff: Steven Robertson introduces the city's proposal to rezone property from the current zoning of RR-1 (Rural Residential – 1) and R-1 (Residential – Urban), to MU-N (Mixed Use – Neighborhood) and P-1 (Parks and Open Space). Staff recommends approval of the rezoning at Lester Park Golf Course to MU-N and P-1. Eckenberg asks staff to clarify item 2 in the staff report, which states the resolution was approved by the city council on May 13, 2019. Luke Sydow said in the past rezoning, it allowed golf courses to exist in MU-N. Robertson affirms.

Applicant: N/A

Public: Molly Thompson, 5922 North Shore Dr., addresses the commission. She doesn't understand selling park/green space. She refers to the 2035 comp plan in regards to green space. A formal review structure has not yet been established, which includes reviewing studies and prioritizing land according to importance. She is opposed to the rezoning. Virgil Boehland, 9 Amber Ln., is a long time user of the city golf courses. He doesn't understand taking Lester Park and make it something else. What is the need to rezone? Can it stay a park without rezoning? Robertson affirms. Aaron Crowell, 5082 Glenwood St., addresses the commission. He noted the 2035 comp plan and how public input is welcomed. He notes the added car traffic in the area, and has not seen proactive designs to put people before cars. He is opposed to the rezoning. David Nelson, 7100 Glenwood St., addresses the commission. He is concerned about potential density issues. He asks about the maintenance of the park. Deputy Director Fulton defers to public administration and the parks department. Will Salmon, 4411 Luverne St., addresses the commission. He is concerned about turning over park space to non-park space. Five acres doesn't sound like much, but what is next? Duluth is known for tourism and aviation. This is a valuable resource that we won't get back. He is opposed to the rezoning.

Commissioners: Sydow questions the general intent of why this is being rezoned with the purpose of selling. What is the benefit to the citizens? He is concerned with setting a precedent. There is land in the city that is currently for sale. Deputy Director Fulton notes that public administration was invited to attend the meeting. The planning commission is making a recommendation for the rezoning based on the comprehensive plan. The city council would need to approve the rezoning ordinance. He doesn't have the specific details about development or the price of the land. Robertson notes if this was sold, a portion of the proceeds could allow city to purchase tax forfeit land. Sydow asks if the money would go back into the golf course fund. Robertson understands Sydow's concerns, but refers back to the task at hand, which is the rezoning. Tim Meyer lives in lakeside and is also an avid golfer. He notes the deterioration of the golf courses. He notes if this was properly managed, they wouldn't be having this conversation right now. He thinks developers are driving the way the city is zoned. Duluth has great demand for housing, but doesn't feel it should involve park land. He would like to see the zoning stay the way it is. Mike Schraepfer states there are 173 parks in our community. They only mow nine of them. There is a huge park system, and it is financially defunct. He notes this wasn't originally a park area. Looking at the system as a whole, he would like to see money go to the parks system. Zandy Zwiebel notes they are looking at zoning. As R-1 they could be selling to develop single family homes, and

other designation allowed in R-1. It all could be sold for homes. She notes schools, and the need for more students. There are a lot of other considerations that need to be analyzed. She wants to see funding go back into schools and the neighborhood. There is no protection for the land. Eckenberg makes a motion, but encourages more discussion. He notes there is no protection unless the area is designated as P-1. Sydow notes there is a lot of parkland, but not a lot of recreational space. There are development driven factors. He can't see selling parkland for management downfalls. Schraepfer notes the development driven piece involved more parkland. He is not sure if it's a decline in the interest of golf or a management downfall. Margie Nelson there will be lots of vetting. She notes others will be responsible for the sale. They are tasked with just the rezoning. Chair Kennedy notes the city does have a lot of green space. There is not enough economic base to pay for the all of the green space. As taxpayers, they need to make tough choices. This is a good way to use zoning to ensure a better community.

MOTION/Second: Eckenberg/Zwiebel recommend approval as per staff's recommendations.

VOTE: (6-2, Meyer and Sydow opposed)

(Sydow recused himself for the next item).

5. PL 19-069 UDC Map Amendment to Rezone Property at Enger Park Golf Course, From R-1 (Residential-Traditional), to R-2 (Residential-Urban), by the City of Duluth

Staff: Steven Robertson introduces the city's proposal to rezone property from the current zoning of R-1 (Residential – Traditional), to R-2 (Residential – Rural). Staff recommends approval of the proposed rezoning at Enger Park Golf Course to R-2.

Applicant: N/A

Public: Mike Casey, lives in Smithville, addresses the commission. He would like clarification on why this is being entertained. Deputy Director Fulton notes the city looked for a variety of sites with access to utilities. Changing of Skyline Parkway is speculative. The exact layout hasn't been determined. Because of the clubhouse, there could be a logical option for shared parking, which is also speculative. Dennis Isernhagen, 2318 Shore Dr., addresses the commission. He serves on the parks commission, and also on the golf course task force. He would like to create an advisory board for the golf courses. There is not a master plan for the golf courses. The parks being maintained have plans. He urges the commission to urge the city to develop a master plan for the golf courses. He suggests a multi-use facility that can be used year-round.

Commissioners: Chair Kennedy notes there are many buildings that are under-utilized in the community. She is in support of multi-use buildings. Zwiebel clarifies the difference between R-1 and R-2. Robertson notes R-2 includes multi-family development. Zwiebel is in support of the rezoning.

MOTION/Second: Eckenberg/Wisdorf recommend approval as per staff's recommendations.

VOTE: (6-1, Meyer opposed, Sydow abstained)

6. PL 19-052 Special Use Permit for a Day Care Center at 4402 Haines Rd., Ste. 2 by Building Blocks Learning Center

Staff: Steven Robertson present the applicant's proposal to expand an existing daycare to allow up to 120 students/children. Staff recommends approval with the conditions listed in the staff report.

Applicant: Luke Petrich address the commission. There are no questions.

Public: No speakers.

Commissioners: Zwiebel is in support, but asks if there are other businesses that can't be invited here because of the daycare. Per Robertson, they did not see any yellow flags. Deputy Director Fulton notes it's adjacent to Johnson/Mertz. This is an existing operation, and has not indicated any concerns. Per Robertson, heavy industrial would not typically be allowed in this zoning.

MOTION/Second: Nelson/Sydow approved as per staff's recommendations.

VOTE: (8-0)

7. PL 19-059 Variance from Shoreland Setback at 120 Charlotte Place by Dan Russell

Staff: Kyle Deming shares the applicant's proposal for a variance to reconstruct an existing detached garage, which would be 40 feet from Tischer Creek rather than the required 150 feet. Staff recommends approval with the conditions listed in the staff report. There was a comment received asking if it should be moved closer to the street, rather than be built closer to the stream.

Applicant: Dan Russell addresses the commission. He notes his concern about the slab elevation listed as a condition.. The flood of 2012 did not effect their current garage. Per Deming, it's a FEMA rule, which is not the City's jurisdiction.

Public: No speakers.

Commissioners: N/A

MOTION/Second: Sydow/Wisdorf approved as per staff's recommendations.

VOTE: (8-0)

(The following two items were presented together.)

8. PL 19-062 Variance from Minimum Lot Frontage at the NE Corner of 59th Avenue West and Redruth Street by 1 LLC

Staff: Mollie Hinderaker gives an overview of the applicant's proposal for a variance from the minimum lot frontage to be able to construct two infill single-family dwellings on the subdivided 75 foot lot following the pending approval of the minor subdivision application PL 19-063. A reduction of 5 feet from the minimum lot frontage standard 40 feet in an R-1 district is proposed to create a lot frontage of 35 feet and 40 feet on Parcel A and Parcel B respectively. Staff recommends approval with the conditions listed in the staff report. Eckenberg notes the small lots surrounding the area. They are all owned by the same owner. Deputy Director Fulton notes there are many lots that are 25 feet.

Applicant: 1 LLC, Josh MacInnes addresses the commission. Eckenberg asks about the other houses that are a couple of blocks away. Two homes were built about 40 feet wide. They are proposing a more narrow design. Eckenberg asks if there is space on the lot to add garages. MacInnes shares there will be space allotted for a 20- x 20' garage. Eckenberg is concerned about affordable housing and the small size of the garage. MacInnes notes it is market rate housing. They want to keep the construction price low, in order to pass it off to the buyer. Eckenberg wants to make sure it fits the neighborhood. He notes the lot is very small. Meyer asks what the practical difficulty is. Per MacInnes, the size of the site itself. They don't want to change the character of the neighborhood, but want to offer new homes for prospective buyers.

Public: No speakers.

Commissioners: Schraepfer thinks this is a good precedent to set, in keeping with the comprehensive plan. He supports new construction and feels it is a big win for the

community. Sarah Wisdorf is in support. Chair Kennedy thanks the applicant for their investment in the community.

MOTION/Second: Wisdorf/Nelson approved as per staff's recommendations.

VOTE: (6-2, Eckenberg and Meyer Opposed)

9. PL 19-063 Minor Subdivision at the NE Corner of 59th Avenue West and Redruth Street by 1 LLC

Staff: Mollie Hinderaker introduces the applicant's proposal for a minor subdivision to divide a single lot into two lots, named Parcel A and Parcel B. The current parcel is 9,375 feet and the division would create Parcel A with 4,375 feet and Parcel B with 5,000 feet. Staff recommends approval with the conditions listed in the staff report.

Applicant: Present, but did not speak.

Public: No speakers.

Commissioners: N/A

MOTION/Second: Zwiebel/Wisdorf approved as per staff's recommendations.

VOTE: (6-2, Eckenberg and Meyer Opposed)

Other Business

10. PL 19-074 Board of Trade Tax Increment Financing (TIF) Request, Conformity with Comp Plan

Staff: Deputy Director Fulton gives an overview. Eckenberg asks about the 84 apartments. What is the parking plan? Per Fulton, the owner has adjacent land for parking. It is a form district. Sydow is concerned about the 8th floor. Per Deputy Director Fulton the plans have not been finalized. Sydow notes the 700 square foot apartments. He wants to clarify there are no jobs involved, and no taxes coming in. Deputy Director Fulton states the TIF plan will be reviewed by DEDA. City attorney Robert Asleson clarifies that any TIF is a pay as you go financing. The developer pays their taxes and those taxes are used to fund the items in the TIF Plan. Zwiebel asks how it effects the school district. Eckenberg notes the resolution. Was the planning commission supposed to receive documents prior to this vote? Asleson notes there is both a project plan and a program plan. The program plan dates back to 1992. Individual TIF plans are brought forth per individual project. Eckenberg notes the commissioners are not informed about TIF districts. He asks staff about the immediacy of approval. He would like to wait and have a brown bag informational meeting before approval.

Applicant: N/A

Public: N/A

Commissioners: N/A

MOTION/Second: Eckenberg/Meyer table for more information

VOTE: (4-4 Wisdorf, Schraepfer, Nelson and Kennedy Opposed)

Schraepfer thinks this is worth saving and is in support. Wisdorf clarifies the intent is to look at the proposal if it's consistent with the comprehensive plan. Deputy Director Fulton affirms. Sydow questions the 84 units. There are questions he needs answered. Zwiebel asks if the HPC will be involved. Deputy Director Fulton notes it is not locally designated. The developer is invited to share. Request for staffs comment on timeliness. Fulton would like to establish a basis in front of DEDA action. A delay could require a special planning commission meeting. Chair Kennedy feels they need to be careful and

wouldn't mind stepping back from a vote. Eckenberg refers back to the resolution and notes they didn't receive the plan ahead of time.

MOTION/Second: Meyer/Scraepfer table for more information

VOTE: (8-0)

Communications

Deputy Director's Report – Fulton notes this is Commissioner Sydow's last meeting. He has completed his term and a new member will start next month. The Zenith awards will also be awarded next month. He gives an overview of his report. There are upcoming meetings that the commissioners are invited to. Staff will forward invitations via email. The Mud Lake meeting notes will be shared soon. There will be actions brought forth before the planning commissioners including the clean-up environmental process.

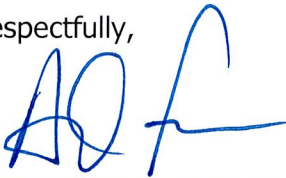
Reports of Officers and Committees -

Heritage Preservation Commission – Wisdorf shares there was no meeting this month.

Adjournment

Meeting adjourned at 7:48 p.m.

Respectfully,



Adam Fulton – Deputy Director
Planning and Economic Development