

**Town of Duluth
Planning Commission
Meeting Minutes
August 25, 2016**

The meeting was called to order at 7:04 pm by Chair Paul Voge.

Present: Paul Voge, Jo Thompson, John Schifsky, Wayne Dahlberg, Jerry Hauge, Larry Zanko and Liz Strohmayer.

Absent: No one.

Also present: Sue Lawson, Planning Director; Dave Edblom, Town Board liaison to the Planning Commission; and Clint Little, DNR.

The agenda was amended to include the introduction of the new Commission member at the beginning of the meeting and was then approved as amended.

Commission members introduced themselves. Liz Strohmeyer, the newest Commission member, said that she moved to Duluth Township last October from the Twin Cities. She grew up in Togo. She works in Duluth and is a member of the Township's volunteer fire department.

The July 28 minutes were approved with the following changes: Line 233 – change “instigate” to “initiate.” Line 231 – change “The Commission might want to consider rezoning...” to “The Commission might want to consider recommending rezoning to the Town Board...”

Director's Report

Sue said that St Louis County has taken bids for removal of the old Clover Valley High School. The Town Board is arranging to get the old sign for the High School and put it at the Town Hall. Land Use Permit applications continue to come in, mostly for additions, garages, and single family dwellings. Land Disturbance Permit applications are coming in along with the LUP applications. Sue said that there have been some folks who weren't aware they had to have a permit for land disturbance. Lastly, there may be a variance hearing next month from Olson Road.

Clint Little said that there is going to be a Coastal Program conference October 5 and 6 at Superior Shores in Two Harbors. It is open to the community and will be free of charge. Among the activities will be programs highlighting successful past projects, a resource fair focusing on resources and funding opportunities that are available to the community, and field trips. It should be a good program.

New Business

For the zoning review for the Clover Valley High School (CVHS) parcel, Sue said that she would email St Louis County to find out when they expect to put the property up for sale. The Commission usually holds the public hearing for proposed zoning changes and the Town Supervisors attend the hearing. It would be nice to have that hearing at the same time as the hearing for the proposed SMU-8 zoning

changes, but that might not be possible. An open house would probably be most appropriate for the SMU-8 review.

John noted that Stanley Creek on the CVHS property is classified by the DNR as a trout stream which may have an impact on how the property is used.

Sue said that it is a trout stream and a 200 ft setback is required. A number of attempts have been made to use the site for industrial use, as it is currently zoned, but those efforts have been unsuccessful. It does not seem to be the best zoning for that property.

SMU-8 Review

Sue said that Clint Little has agreed to help the Commission with this.

Clint showed a map of the SMU-8 zone district with cadastral and parcel data. There are 262 lots that are .9 acres or less, there are 17 that are .91 to 1.1 acres and 37 that are larger.

Paul said it would be useful to see which parcels are owned together.

Sue said that looking at the lot area data, there are very few lots that are conforming. The lots that are put together usually have a house on them. It doesn't make sense to have this many lots in a zone district that are not conforming. The two issues for conformity here are lot size and width.

Clint said that it would be difficult to get the lot width data. It would require looking at the property title files for each lot for deeded lot width and length.

Wayne said that you can look at the plat maps and get a feel for the typical lot width. Lot widths vary in that area, but for the most part they are 80 ft or so wide.

Sue said the idea would be to determine what the minimum lot width would have to be to make most lots complying lots. 80 ft might be a good number, maybe 85 ft. Seeing what the actual lot widths are would inform the decision.

Wayne said that accessibility – not landlocking lots – could be an issue. An easement on an 80 or 100 ft wide lot might not be realistic.

Sue said that if you look at the density of the area, it fits a more urban pattern, even though it's considered rural. For comparison purposes, the City of Duluth has a minimum side yard setback of 10 ft for the principal structure on a 2 acre lot in their RR2 zone district. Our requirement is 20 ft on a 1 acre lot.

Paul said that the Ordinance already allows for lots of record. If, by reducing lot size and width, more are made conforming, it will allow for more development on some of the larger lots. There is a potential for increased impervious surface. What other consequences might there be?

Sue said the legislature changed one of the criteria for a variance from, Is there a reasonable use the property could be put to? to, Is the proposed use and variance a reasonable use? That change makes achieving the criteria to allow a variance easier. For instance, the lot at Bluebird Landing came before the Commission three times for a variance. Setbacks could not be met on that lot. The requested variance was denied three times. Under the change, the Commission granted the variance. A building envelope was negotiated and the owners had to sign an affidavit stating that they were aware of the risks of building in that location. Under the new criteria, the question became, Is it reasonable to put a 30 ft wide house on an 80 ft wide lot? Probably.

On the other hand, Sue said, the criteria require that the plight of the property owner necessitating a variance must be unique to the property. As it stands now in the Greenwood Beach area, properties that don't meet minimum lot width or size are not unique. Everyone is in the same situation.

Paul asked why SMU-8 was zoned for a minimum of one acre lot size to begin with.

Wayne said that it started out like that in 1976 and has never been changed. He didn't know why it was originally set up like that.

Paul said that it could have been to allow room for septic. But now the area has sewer.

Someone asked the difference between platted areas and parcels. Parcels are taxed parcels; plats are the original platted lots. Platted lots are often combined to be one tax parcel.

Jo said that there are also many instances where someone owns two adjacent lots but the lots are not combined into one parcel.

Sue said that if an owner needs both lots in order to meet the criteria for building, they have to keep the lots together.

John said that septic and impervious surface area seemed to have been the main reasons for the one acre minimum lot size. Septic is no longer an issue. So he thinks that it becomes a question for the community as to how much more development they would find acceptable.

Sue said that the population density and the ditches on Greenwood Road are what make the Township an MS4. There could be some ramifications if runoff to those ditches is increased.

Paul said that because Greenwood Road is so narrow, increased traffic could be an issue on the road.

Dave Edblom said that the road bed is maybe 20 to 24 ft wide. There is no shoulder, just the ditch.

Larry said that if the minimum lot width was changed to 80 ft, a larger parcel, like one that is 400 ft wide, could be divided into five lots. As it is now, it could be broken into four lots. Would the area have to be replatted?

Wayne said that the SMU-8 lot width requirement is 200 ft, so even lots that meet the minimum lot size requirement are not complying with the minimum width requirement.

Sue asked if it would be helpful to look at empty parcels to consider what could occur.

John said that Greenwood Road is a Township road. Could the Township potentially be responsible for widening the road and redoing the ditches? That could be costly.

Dave said that that would be a big big project.

Wayne said it would require a special levy. A case could be made now that the road is inadequate.

Jo said it would need blacktop and storm drains. Typically the whole Township ends up paying for a project like that.

Paul said that it would make more sense to assess the owners, not all of the Town. What would be the potential build out for some of those parcels?

Wayne said that the crux of question is, do we want that area to be built up more than it is now? Or leave it as it is now so as to not potentially increase the problems.

Sue said that in part, the issue is legal. Small lot size or narrow lot width cannot be considered unique to a lot when 80 percent of the lots in the area also don't meet minimum size and width requirements.

Jo asked if the boundaries of the zone district could be changed to not include the larger lots.

Sue said that that was a possibility, as long as it did not result in zoning that could be perceived as spot zoning.

Wayne said the zone could be divided into SMU-8A and SMU-8B so as to not compromise the entire area.

Jo said that would help to maintain the character of the area. To her, the area is not like a city – it still has a character that is quite different from a city.

John said that he has hard time seeing the area as rural.

Wayne said that the Township per se is rural. The Greenwood Road area is like a transition from London Road to the country. The City of Duluth might have 2 or 3 ft setbacks in some areas, but would we want to do that in our Township? Probably not.

Sue said that another option would be to use an aggregate of setbacks so some could be closer.

Wayne said you would still have to have minimums.

Paul summarized potential concerns that could result from rezoning: increased traffic, road maintenance/improvement, increase in impervious surface, decrease in quality of community/life, and

increase in population density. He would opt for redrawing boundaries and then setting minimum lot size and setbacks.

Sue summarized that option: The current SMU-8 zone would be broken into SMU-8A and SMU-8B based on average lot size and the larger lots on the east end of the current SMU-8 zone would be added to the adjacent SMU-6 zone. For the SMU-8 area with the smaller lots, make the minimum lot size ½ acre and the minimum lot width 80 ft.

Paul said that he would like to have the potential build out identified.

Sue said that neither she nor Wayne can remember issuing a Land Use Permit for new home construction on Greenwood Road. So there may not be that much potential.

Sue suggested that the Commission have one more meeting with additional information and then schedule the open house for January.

Wayne and John volunteered to tabulate lot widths and lengths, with block numbers and lot numbers, for the Greenwood Beach plat. Beth will put them in Excel.

Jo said she would not be able to attend the September meeting. Paul said that he would be arriving at 7:15.

Concerns from the Audience

None.

The meeting adjourned at 8:50.