

City of Duluth
Planning Commission
October 13, 2015 Meeting Minutes
Council Chambers - Duluth City Hall

I. Call to Order

President Zandra Zwiebel called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, October 13, 2015, in city hall council chambers.

Roll Call

Attending: Marc Beeman, Terry Guggenbuehl, Janet Kennedy, Garner Moffat, Heather Rand, Mike Schraepfer, Luke Sydow and Zandra Zwiebel

Absent: Tim Meyer

Staff Present: Keith Hamre, Steven Robertson, Jenn Moses, John Kelley, Nate LaCoursiere and Cindy Stafford

II. Public Hearings

- A. PL 15-157 UDC Map Amendment to Rezone from R-1, MU-B, and I-G to R-2 (Residential-Urban) Vintage Acres & Abutting Parcel in Northwest Corner of Vintage Acres, by the City of Duluth

Staff: John Kelley introduces the city proposal to rezone the Vintage Acres Manufactured Housing Community and the abutting parcel to the northwest parcel located in the Gary/New Duluth neighborhood from the current zoning districts of Residential-Traditional (R-1), Mixed Use-Business (MU-B), and Industrial-General (I-G) to Residential-Urban (R-2). Based on their findings, staff recommends approval for the reasons listed in the staff report.

Applicant: N/A

Public: N/A

Commissioners: N/A

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

VOTE: (8-0)

- B. PL 15-147 UDC Map Amendment to Rezone from R-1 (Residential-Traditional) to MU-I (Mixed Use Institutional) at 1215 Rice Lake Road, by Marshall School

Staff: Steven Robertson introduces the applicant's proposal to rezone their property from Residential-Traditional (R-1) to Mixed Use-Institutional (MU-I). Additional comments were received post staff report which focused on noise/buffering concerns. These concerns will be more pertinent during the plan review stage. Based on their findings, staff recommends approval for the reasons listed in the staff report.

Applicant: Kevin Green of Marshall School addresses the commission and asks if there are any questions. Chair Zwiebel asked if he received a copy of the public comments. Yes.

Public: N/A

Commissioners: N/A

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

VOTE: (8-0)

- C. PL 15-142 Partial Vacation of Street Right of Way at 625 West 9th Street by Lee and Kyle Erickson

Staff: Steven Robertson introduces the applicant's proposal to vacate a portion of the platted street right of way for improved West 9th Street. If the partial vacation is approved, West 9th Street would still have a right of way width of 66 feet. Based on their findings, staff recommends approval of the partial vacation of the street public right of way without conditions.

Applicant: Lee Erickson addresses the commission. No significant change will be made. He asks if there are any questions.

Public: N/A

Commissioners: N/A

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

VOTE: (8-0)

- D. PL 15-160 Concurrent Use Permit to Allow Parking Spaces in Partially in Public Right of Way

Staff: Steven Robertson introduces the applicant's (Montessori School of Duluth, inc.) proposal to place private parking spaces and a small fence in the platted public right of way of Mygatt Street, and fencing in the platted right of way of Silcox Avenue. The applicant's project is to remove much of the existing parking surface (some of which is partially in the platted public right of way of Mygatt Avenue) with a smaller, but better designed, parking area. The overall impervious surface on the site will be reduced by approximately 50%, but the amount of parking area in the public right of way will remain the same. Based on their findings, staff recommends approval of the concurrent use permit with the conditions listed in the staff report. Luke Sydow asked if they could move the plan further to the north and avoid the right of way all together. Per Robertson, there were different variations, but this design appears to be the best based on all the information, both for the property owner's customers and visitors, and to better serve the neighborhood.

Applicant: Jim Nephew addresses the commission and asks if there are any questions.

Public: N/A

Commissioners: N/A

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

VOTE: (7-1, Sydow opposed)

- E. PL 15-149 MU-C Planning Review for Filling Station at Bristol Street by Kwik Trip, Inc (Applicant has asked that this item be tabled and discussed at a future meeting)

- F. PL 15-150 Minor Subdivision at Bristol Street by Kwik Trip, Inc (Applicant has asked that this item be tabled and discussed at a future meeting)

- G. PL 15-153 Special Use Permit for a Private Club in a P-1 (Parks and Open Space) District, at 3911 Minnesota Avenue, by the Duluth Rowing Club and AMI Engineers

Staff: Jenn Reed Moses introduces the applicant's proposal to replace its existing boathouse and also add a Clubhouse that will be approximately 3,000 square feet. This use would be a club or lodge per the UDC and requires a Special Use Permit. Based on

their findings, staff recommends approval of the Special Use Permit subject to the conditions listed in the staff report.

Applicant: Ted Smith of AMI Consulting addresses the commission. The DNR has issued the permit for the boathouse and does not object to the plan. He notes the comment about car traffic. He said there were 23 cars parked there tonight and no club function. He believes the cars are staff from the nursing home. Marc Beeman asks about the water underneath the buildings. Smith says the water table is the same. The foundation will be designed by an engineer and will comply. Garner Moffat asks about the design of the building and if it can better match the neighborhood. Greg Strom designed the building. They have been mindful about matching it to fit the neighborhood. Sydow notes the east elevation of the building, where there are no windows. Would they consider adding this? Per Smith they are going to add a door and windows to make it look more residential. Sydow asked if they would agree to add this as a condition. Per Smith, yes. Moffat asks the applicant to consider a metal corrugated look. The applicant states it's a possibility and they want the buildings to match, and one is already metallic looking.

Public: Michael Cochran – 13000 Water Street – 50 year member of the boat club – addresses the commission. He notes the club's rich history and is in favor of the special use permit. Terry Guggenbuehl asks if they have considered alternative sites. Cochran states he can't speak for the club but they currently own the land in which it sits. Greg Peterson – 2121 Minnesota Ave. – addresses the commission. He has been a member since 1970, and is also on the board. The majority of their neighbors have given them positive feedback. He notes Judy Trolander's letter/concerns. They tried three times to visit Trolander and could not reach her. The cars parking there are either neighbors or workers at the nursing home. There is no staff parking for the nursing home. He notes adding shutters to the building's exterior to make it appear there are windows there. They don't want too many windows for vandalism concerns. Tom Rauschenfels addresses the commission. He is on the board of directors and a lifelong resident of Park Point. Tom Griggs also addresses the commission. He is a board member and a resident of Park Point. Rauschenfels concurs with Peterson's statement that the vehicles parking there are not a rowing club issue. The concerned citizen's view will not be affected. They need a club house on shore because of showers and DNR restrictions. Chair Zwiebel asks about a land swap. Is it an option? The proposed land would need water/sewer added which can be costly. Raushenfels also notes the current location's depth of the water is ideal and only 4 feet, and they have access to the lake side from the nursing home. There are many reasons their current property makes more sense.

Commissioners: N/A

MOTION/Second: Moffat/Sydow approved as per staff's recommendations with an additional condition that the street side east elevation will contain three faux or actual windows. **Approved w/ the added condition that a combination of three real or faux windows and/or a door be added to the street side east elevation.**

VOTE: (8-0)

- H. PL 15-152 Variance from Shoreland Setbacks at 3911 Minnesota Avenue, by the Duluth Rowing Club and AMI Engineers

Staff: Jenn Reed Moses introduces the applicant's proposal for a variance to build a structure approximately three feet from the Ordinary High Water Level (OHWL) instead

of the required 50 feet. Based on their findings, staff recommends approval subject to the conditions listed in the staff report. Sydow clarifies the variance is only for the clubhouse.

Applicant: Raushenfels notes the boathouse is regulated by the state and the DNR has approved their permit. Guggenbuehl asks about the location of the filtration basin on the east side. Raushenfels notes it will be part of the grading including a shallow swale. Chair Zwiebel asks about current parking conditions. Rauschenfels states there is a curb cut, and compacted gravel as it stands now.

Public: No speakers.

Commissioners: N/A

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

VOTE: (7-1, Guggenbuehl Opposed)

- I. PL 15-156 Variance from Side Yard Setback at 1013 N 10th Avenue East by Kyle Jensen

Staff: Jenn Reed Moses introduces the applicant's proposal for a variance to the side yard setback to build two dormers on the 2nd story of the existing house, allowing the house to be expanded to a 3-bedroom, 2-bath house. Current structure is 40 inches (3.33 feet) from the side property line instead of the required 6 feet. Based on their findings, staff recommends approval of the variance subject to the conditions listed in the staff report.

Applicant: Kyle Jensen addresses the commission and asks if there are any questions.

Public: No speakers.

Commissioners: N/A

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

VOTE: (8-0)

- J. PL 15-148 Variance from Off-Street Parking Requirements at 2421 London Road by Michael Tegethoff

Staff: Jenn Reed Moses introduces the applicant's proposal for a variance to provide one parking space instead of the four parking spaces that would be required for the proposed medical clinic use. Based on their findings, staff recommends denial of the variance for the reasons listed in the staff report including the variance is not due to circumstances unique to this property such as exceptional narrowness, shape, or topographic considerations. Chair Zwiebel asks about access to the back yard. Per Moses, the applicant originally planned to remove the garage to provide a driveway to the back yard.

Applicant: Michael Tegethoff addresses the commission. They would need to tear down the garage in order to add rear parking. He notes there are lots of parking spaces on the street and they can get three cars in the driveway and garage. They have two therapists and two clients at a time. Not all of their clients will drive. Chair Zwiebel asks the applicant if there is a unique reason why they can't add parking. The applicant states their neighbors don't want a parking lot in the back yard for security/safety reasons. Moffat notes item 6 in the staff report and he feels if they deny the variance it WOULD be altering the essential character of the area. Sydow asks about a special use permit. Per Moses, no special use permit was required. There was a rezoning which allows a medical or dental clinic as a permitted use. Director Keith Hamre notes the UDC

requirements and challenges associated with the existing garage being located where a parking lot drive aisle would be needed.

Public: No speakers.

Commissioners: Guggenbuehl is concerned the uniqueness isn't strong enough. Moffat thinks it would change the neighborhood by adding a lot in the back.

Guggenbuehl notes mixed use neighborhood and not just residential. Janet Kennedy feels it is their discretion. Sydow notes area is changing, but he would be in agreement in this situation. Chair Zwiebel clarifies it won't be grand-fathered in. Chair Zwiebel is in support if the size of the operation remains the same with a maximum of only 2 clients. Director Hamre states they need to clarify the practical difficulty other than altering the characteristic of the neighborhood. Guggenbuehl notes the zoning goes with the land. Beeman asks why don't they just tear the garage down and add a slab. Per Chair Zwiebel, there isn't enough room.

MOTION/Second: Moffat/ Kennedy approved which is in opposition of staff's recommendations. He feels denying it would alter the character of the neighborhood. Moffat agrees to a friendly amendment – as long as the business purpose and the size of the building occupancy remains the same, the practical difficulty is the current structure on the property does not allow access to back yard.

VOTE: (7-1, Rand Opposes)

III. Unfinished Business

- A. PL 15-131 Minor Subdivision/RLS at 211 East Superior Street by Sherman (Public Hearing Held at September 8, 2015, Regular Planning Commission Meeting)

Staff: Steven Robertson introduces the applicant's proposal to combine several previously platted parcels into 2 parcels. (This item was reviewed at a public hearing on September 8, 2015, but the final vote was tabled to allow the applicant to make minor modifications to the exhibit.) Based on their findings, staff recommends approval subject to the conditions listed in the staff report.

Applicant: N/A

Public: N/A

Commissioners: N/A

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

VOTE: (8-0)

- B. PL 15-134 UDC Text Amendment of Section 50-14.5 Residential-Traditional, 50-20.1 Residential Use Specific Standards, and 50-40 Definitions, for Contextual Design Standards for Townhomes and Duplexes in R-1 Zones (Public Hearing Held at September 8, 2015, Regular Planning Commission Meeting)

Staff: Steven Robertson introduces the city's proposal for changes to the development standards for townhomes and duplexes. The commission had asked staff to solicit input from several architects and designers. To date, of the seven contacted, two have provided comments. Staff recommends approval. Per Robertson, he thinks the minimum should be 20 not 25 feet. Guggenbuehl notes Nick Ericson's comment about the width being 19 feet and feels he raised some good points. Director Hamre notes in this case, he is also talking about width of the structure itself, not necessarily the street frontage of the lot. They tried to mirror the state building code with the definition. Primarily they are looking at the density issue. They are looking at the urban core of

community. They want to promote efficient use of utilities, land areas, and affordability. Director Hamre notes a good example is in harbor highlands and the variation in the façade. The challenge is to add it to code as a design feature. Guggenbuehl and Moffat agree with a higher density allowance.

Applicant: N/A

Public: N/A

Commissioners: Guggenbuehl asks if they should wait until there is a new city council in effect. Per Robertson, keeping the text amendments on the table for an extended period of time and in limbo make pending developers and builders nervous as do not know what standards to apply for their future projects. Kennedy asks if this change will affect any plans in the works; Robertson stated that at this point he is not aware of any pending townhome developments. Director Hamre states there is a developer interested in apartments for morgan park. The developer is looking to match the surrounding neighborhood more closely than his original proposal, and it therefore taking additional time. Guggenbuehl makes a motion (see below). Heather Rand is not in agreement as it stands with the friendly amendments. Mikel Schraepfer asks if there have been many townhouse applications. Per Robertson, states no, not since the Mississippi/Lyons application. Sydow confirms nothing is pressing right now. Per Robertson there was a potential on London Road, but it did not move forward due to financial issues.

MOTION/Second: Guggenbuehl/Moffat recommend approval as per staff's recommendations and change item #1 to 20 feet in R-1, with a maximum no more than six mid-block, but eight on corners. Also change in R-2, item #1 from 20 to 15 ft.

VOTE: (6-2, Rand and Sydow Opposed)

- C. Discussion on City Review, for Zoning Compliance, of Future Tax Parcel Splits – Robertson highlighted some language. Motion supporting their resolution. Sydow questions the time frame and what if the 24 hour window occurs at 4:58 p.m. on Friday. Director Hamre states the rule applies for business days, so weekends wouldn't apply. Guggenbuehl notes it's a state statute. Nate LaCoursiere agrees with pc moving forward to support.

MOTION/Second: Guggenbuehl/Rand recommend approval of a resolution

VOTE: (8-0)

IV. Communications

A. Managers' Report

- Future Brown Bag Meeting, Wednesday, October 21st, at 12 PM, Room 303
- Special Meeting to Discuss Hartley EAW on Tuesday, October 27th, at 5 PM.
- This Thursday is vacation dwelling unit meeting.

B. Consideration of Minutes:

September 8, 2015

MOTION/Second: Moffat/Guggenbuehl approve the minutes.

VOTE: (8-0)

September 22, 2015

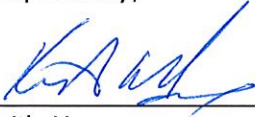
MOTION/Second: Moffat/Guggenbuehl approve the minutes.

VOTE: (8-0)

C. Reports of Officers and Committees-Heritage Preservation Commission Representative – Guggenbuehl states they discussed the Clayton Jackson McGhie Memorial and the gathering of people. There is not a good area downtown for the gathering of people in a park like setting.

D. Meeting adjourned at 7:17 p.m.

Respectfully,



Keith Hamre
Director of Planning and Construction Services