

City of Duluth  
Planning Commission  
July 14, 2015 Meeting Minutes  
Council Chambers - Duluth City Hall

I. Call to Order

Vice-President Garner Moffat called to order the meeting of the city planning commission at 5:02 p.m. on Tuesday, July 14, 2015, in city hall council chambers. President Zandra Zwiebel arrived shortly thereafter.

Roll Call

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

Absent: Marc Beeman

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

II. Public Hearings

- A. PL 15-098 UDC Map Amendment to Rezone to Park and Open Space (P-1), Basketball Court, Chester Bowl, Chester Park, Lower Chester Community Recreation Center, Endion Park, Hillside Sport Court, Lakeview Park, Munger Park, and Portland Square by the City of Duluth

**Staff:** John Kelley introduces the city's proposal to rezone park property including Basketball Court, Chester Bowl, Chester Park, Lower Chester Community Recreation Center, Endion Community Recreation Center, Hillside Sport Court Community Recreation Center, Lakeview Park, Munger Park, and Portland Square located in the central portion of the city from current zoning districts of Residential-Traditional (R-1), Residential-Urban (R-2) and Form District 6 (F-6) Mid-Rise Neighborhood Shopping to Park and Open Space (P-1). Staff recommends approval.

**Applicant:** N/A

**Public:** John Bergum – 1821 E. 5<sup>th</sup> St. - he feels our parks benefit the community and feels the green space areas are a way for people to interact with each other. He notes Munger Park in particular and is against development. Jerome Flogel - 424 E. 8<sup>th</sup> St. – He is in favor of preserving the parks.

**Commissioners:** Terry Guggenbuehl asks staff to reiterate what the rezoning is for to alleviate the first speaker's concerns. Kelley states the rezoned park land is to help preserve the parks and restrict development other than for park use. Mike Schraepfer explains most of the city parks are zoned R-1 and considered buildable. This rezoning is methodically preserving them as parks now and into the future.

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

**VOTE: (7-0)**

- B. PL 15-092 Variance for Detached Garage within the 150 foot Shoreland Setback at 1715 Anderson Road by Dale and Michelle Immerfall

**Staff:** Jenn Reed Moses introduces the applicant's proposal to build a 20' x 42' garage on the site of their existing garage. The garage would be 110' from the stream (Miller Creek) instead of the required 150'. Staff recommends approval with the conditions

listed in the staff report. Tim Meyer asks if this is a drainage ditch. Moses states it is the creek. Meyer confirms the garage is not in the flood plain. Guggenbuehl notes the 25 foot buffer in condition 2. Chair Zandra Zwiebel asks if it will be a larger garage. Moses states yes, it will be deeper.

**Applicant:** Dale Immerfall addresses the commission. The new garage adds about 18' in length from the original garage. Janet Kennedy asks about the overhead view and what the other building is on site. Per applicant it's an 8 x 10' shed for gardening supplies. Kennedy asks about the camper and the possibility of fuel leaking into the creek. The applicant states it's a pop-up camper with propane fuel and no danger to the creek. Meyer asks if they experienced any damage due to the flood in 2012. The applicant states they had about six inches of water in the basement and had standing water on the property. The water came to the base of their pine tree.

**Public:** Linda Ross Sellner - 402 W. Arrowhead Rd.- addresses the commission. She is concerned about the health of Miller Creek and is strongly against the variance. Michelle Immerfall addresses the commission. She has lived there for 20 years and has worked hard to help the health of the creek and will continue to do so.

**Commissioners:** Meyer notes the property was built prior to the shoreland area. He asks staff what has the city's past approval rate for shoreland variances has been. Moses states some have been approved and some have not. Moffat is not sure the substantial increase in size of the garage is necessary. He is concerned about the lack of vegetative buffer being smaller than the 50' currently required by the UDC. Guggenbuehl thinks the proposed improvements would actually help the stream. He suggests an increased catch basin or rain barrels. He agrees with a larger vegetative buffer at a minimum 35'. Meyer asks staff the basis for their recommended approval. Moses states the mitigation plan is part of the variance process and will reduce stormwater runoff. The practical difficulty is there is no allowable space to construct the garage as the entire lot is within the setback area. Luke Sydow would be more in support if the shed was removed. Moses states there is no limit for the number of structures, but there are restrictions that state the structures can't exceed 60% of the rear yard. Chair Zwiebel is concerned that granting a larger than 1-stall garage might be establishing a precedent. Moffat asks if the applicant would be in agreement with removing the shed and increasing the buffer to 35'. Mrs. Immerfall states the shed is high up in elevation away from the creek. She isn't opposed, but doesn't think it will help the creek. Chair Zwiebel asks if there will be a follow-up from staff. Moses states the stormwater staff will be in communication with planning.

**MOTION/Second:** Moffat/Meyer approved as per staff's recommendations modifying the vegetative buffer from 25 to 35' and the added condition of the removal of the shed.

**VOTE: (7-0)**

- C. PL 15-095 Variance for Attached Deck Within Front and Rear Setbacks at 627 N 44<sup>th</sup> Ave West by Jim and Suzanne Reijo

**Staff:** Steven Robertson introduces the applicant's proposal to build a 288 square foot deck onto the side of their existing home. The deck would be nine feet setback from the rear property line and 17 feet from the front property line, instead of the 25 feet required for both setbacks. According to the applicant, since this is a unique lot and "there are very little options of installing a deck in accordance with city setback rules of



the UDC and Comprehensive Plan". Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Suzanne Reijo addresses the commission. She has done some project research and would like to build a bigger deck than existed. She asks the commissioners if they have any questions.

**Public:** N/A

**Commissioners:** Meyer asks what a typical side yard setback for R-1. Robertson states typically six feet, or 15 feet for corner lots.

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

**VOTE: (7-0)**

- D. PL 15-099 Variance for Attached Garage within 6 Foot Side Yard Setback at 4048 Minnesota Avenue by Sara Jane Carlson

**Staff:** Steven Robertson introduces the applicant's proposal to construct a one-stall garage (12' x 19') attached to the existing home. The attached garage would be two feet from the property line, where the minimum setback for a principal structure or an attached garage is six feet from the side yard setback. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** N/A

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Guggenbuehl/Moffat and Sydow approved due to the narrowness of the lot and as per staff's recommendations.

**VOTE: (7-0)**

III. Communications and Other Business

- A. Managers' Report – Keith Hamre states there will be a Kenwood/Arrowhead Traffic meeting on July 23, 2015, 5:30 p.m. at Kenwood Lutheran Church. He invites the commissioners to attend.

-Future Brown Bag Meeting, Wed, July 22, 2015, noon city hall room 106A, Discussion about Development in Form Districts, Contextual Design Standards for Townhomes and Duplexes in R-1 Zones, and Craft Manufacturing.

-Future Discussion Topics (in August or September), Discussion on Determining Completeness of Environmental Assessment Worksheets for Hartley Park and Spirit Mountain.

City council will interview an applicant (Heather Rand) for the planning commission which would increase the commission size to nine.

- B. Consideration of Minutes - June 9, 2015

**MOTION/Second:** Meyer/Moffat approve the minutes.

**VOTE: (7-0)**

- C. Reports of Officers and Committees

-Heritage Preservation Commission Representative – Terry Guggenbuehl states there was discussion about a new historic district centered in the central hillside area. A rezoning could eventually be coming before the planning commission for a little neighborhood commercial area on 5<sup>th</sup> Street. A grant is available to complete a survey

for the area. Moffat asks about the Lincoln Park neighborhood survey grant. Hamre states they are moving forward with two Certified Local Government (CLG) grants: scholarships for commissioners to attend the annual meeting and the historic district in the central hillside. They are not moving forward with the Lincoln Park study at this time and need to find additional resources. A larger match may be needed to be successful.

Hamre informs the commissioners of two appeals coming before the city council on 8/10/15: the townhouse development at Mississippi/Lyons and the appeal to the land use supervisor's decision on the need for a variance for the proposed Park Point hotel.

D. Meeting adjourned at 5:56 p.m.

Respectfully,



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Keith Hamre  
Director of Planning and Construction Services