

City of Duluth  
Planning Commission  
January 12, 2016 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, January 12, 2016, in city hall council chambers.

Roll Call

Attending: Terry Guggenbuehl, Janet Kennedy, Garner Moffat, Mike Schraepfer (arrived late during item B) Luke Sydow and Zandra Zwiebel

Absent: Marc Beeman and Tim Meyer

Staff Present: Keith Hamre, Adam Fulton, Steven Robertson, Jenn Reed Moses, John Kelley, and Cindy Stafford

II. Public Hearings

- A. PL 15-184 UDC Map Amendment to Rezone from R-1 to MU-N and R-2 at 8900 Grand Avenue as Recommend by the Riverside Small Area Plan, by the City of Duluth

**Staff:** John Kelley introduces the city's proposal to rezone lands within the study area to their appropriate zoning districts as listed in the staff report. Staff recommends approval.

**Applicant:** N/A

**Public:** N/A

**Commissioners:** N/A

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

**VOTE: (5-0)**

- B. PL 15-183 Preliminary Plat for Morgan Park Estates at the Site of the Former Morgan Park School at 1243 88<sup>th</sup> Avenue West, by Aaron Schweiger

**Staff:** Jenn Reed Moses introduces the applicant's proposal to subdivide the property into ten parcels in preparation for future apartment buildings on the side of the former Morgan Park School. Staff recommends approval with the condition of a pedestrian easement be dedicated from the end of the cul-de-sac to 90<sup>th</sup> Ave W with the understanding that a sidewalk or trail will be developed at the time the adjacent buildings are constructed.

**Applicant:** Aaron Schweiger addresses the commission, gives a brief overview and welcomes questions. Janet Kennedy asks if there are density changes from the original plan. She asks how he felt the community meeting went. Schweiger said it went well. There were two citizens who had concerns. One has house for sale and their realtor thought this project could devalue their home. Schweiger feels it could increase the value of their home. The other neighbor's concern was about population density. Their plan is for 120 units. The population could vary between 120 tenants to 300-400 tenants. Terry Guggenbuehl states he is not a fan of cul-del-sacs. Could the project include a through-street? Schweiger states this design works well with engineering and the fire department. (They will need enough room to turn around their trucks, etc.) Garner Moffat confirms with a private drive snow removal will be their responsibility. Per

Schweiger, correct. Maintenance and snow removal will be taken care of by them. Moses states the cul-de-sac will be a public street and that's how they will determine frontage for the lots. Adam Zwak of Northland Consulting Engineers confirms it will be public. Per Schweiger the front part of the property off of 88<sup>th</sup> was zoned MU-N to allow for a commercial component. At this time they don't have plans for commercial development, but maybe sometime in the future. Moses mentions they received two emails from the public which were included in the packets on the commissioners' desks. They were from Bruce Snyder who is signed up to speak.

**Public:** Bruce Snyder – 1316 93<sup>rd</sup> Ave. W. - addresses the commission. He notes the neighborhood currently consists of single family homes. He feels it will devalue their property. He is opposed to the project.

**Commissioners:** Chair Zwiebel asks if they have seen the petition in the past. Per Moses, it may have been introduced with the rezoning. Kennedy asks what the population is of Morgan Park. Schweiger states approximately 2800 people. Petition had 267 signatures against the project. Moffat has concerns about roadway planning; including, mail delivery, emergency vehicles, and snow plows. Moffat suggests installing a through-street. Schweiger states the neighbors don't want more traffic in their neighborhood. There is no access to 90<sup>th</sup> Ave which was done intentionally per request from neighbors. Moffat doesn't have an issue with the density, and thinks townhomes would increase the value of property values. Schweiger notes the final plat could include a through street, but it might annoy the neighbors on 90<sup>th</sup>. Kennedy states she was at the community meetings and feels the neighbor's concerns should be addressed. Guggenbuehl notes as it stands now, an unoccupied building can't be a good thing for the neighborhood.

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

**VOTE: (4-1, Moffat Opposed, Sydow Abstained)**

- C. PL 15-180 Minor Subdivision to Combine 3 Platted Plats Into 2 Parcels at the 1400 Block of St. Louis Avenue, by David and Bonnie Ling and Jacob and Kaye Tanttari

**Staff:** Jenn Reed Moses introduces the applicants' proposal to combine three vacant parcels into two. The applicant and agent own adjacent residential lots, and are planning to each own one of the resulting parcels. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Present, but did not speak.

**Public:** N/A

**Commissioners:** N/A

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

**VOTE: (5-0, Sydow Abstained)**

- D. PL 15-186 Interim Use Permit for Adaptive Reuse of Local Historic Landmark at 810 West Third Street (St. Peter's Church), by Jeffery Larson

**Staff:** Jenn Reed Moses introduces the applicant's proposal to use the former St. Peter's Church for an art school. Use of a historic landmark in the R-2 district as an art school requires an Interim Use Permit. Moses notes the additional information left at the commissioners' desks which was a summary of the community meeting held. All positive

feedback was received. Staff recommends approval with the conditions listed in the staff report including the permit be in effect for ten years.

**Applicant:** Present and asks if there are any questions.

**Public:** Robin Mainella – 121 W. Redwing St. - addresses the commission. She is an advocate for the church and is thrilled about this project. Her father was born in the neighborhood. She thinks it could be a historic district based on the strong Italian heritage.

**Commissioners:** N/A

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

**VOTE: (6-0)**

- E. PL 15-185 Variance from Parking Standards (Number of Required Off Street Parking Spaces) at 4216 Grand Avenue by Marvin Development IV, LLC

**Withdrawn By Applicant**

- F. PL 15-187 Variance from R-1 Side Yard Setback Requirements at 3427 Lake Ave South by Bill Brownell and Pat Brownell Sterner

**Staff:** Steven Robertson introduces the applicants' proposal to add a 12.8' x 10' kitchen addition to an existing single family home within the R-1 side yard setback. The proposed addition would be two feet from the side lot line; the minimum side yard setback in the R-1 zone district is six feet. Staff noted that the property received a rear yard variance in 2011 to allow a large addition to the existing single family home. Staff recommends denial for the reasons listed in the staff report including the variance application has not adequately demonstrated practical difficulty needed for a variance. Kennedy asks about item 4 in the staff report. Per 50-37.1.L in the UDC, that Land Use Supervisor may administrative approve a new or modified structure a minor reduction of up to one foot from the standard front, rear, or side yard setback.

**Applicant:** Mike Medlin – (agent representing owners) – 1028 Minnesota Ave. – general contractor for 25 years. He is well-established on park point. This house built in 1908. They wanted to expand their house without damaging the trees on the property. They don't feel the galley kitchen is sufficient for the size of their family. He disagrees with staff's interpretations and feels the variance should be approved. The variance will have no negative impact on the neighbors who are in support of the project. Medlin notes another house on park point received a variance from a side-yard setback in order to expand their kitchen, and feels the variance for this project is similar and should also be granted. Director Keith Hamre stated the variance the commissioners' approved back in November was a flag lot, which brings unique situations that need to be looked at in a case by case situation. Guggenbuehl noted the siting of the house which was at an angle and was quite a different situation than the variance that is before the planning commission tonight. Chair Zwiebel noted the other variance application offered a alternatives. Per Medlin, the deck was disallowed, but the kitchen expansion was approved. Kennedy asks if the kitchen could be improved if the fireplace was taken out. Per Medlin, it would compromise the architectural integrity of the building as per his designer Heather Heiner. Chair Zwiebel feels the architect needs to abide by the lot lines. Schraepfer notes the addition in the past was done in 2011. He feels the addition in 2011 should have had the original design of a larger kitchen. It seems backwards to him. Kennedy notes item 3d in the staff report discussion. Which neighbor might be

effected/impaired by altering the supply of light and air. Per Medlin, Judy Harrison is the neighbor who lives to the north. She is in support of the proposal. He also built her house. Robertson reminds commissioners they must comply with the standard criteria for variances in the UDC and their decision shouldn't be based on a head count of who is and isn't in favor of any particular proposal.

**Public:** N/A

**Commissioners:** Schraepfer asks about setting a precedent. Moffat feels there are unusual lots on park point where variances may be needed, but he feels this project can go forward without a variance. Guggenbuehl feels there is ample room without a variance. Luke Sydow notes the past variance that was accepted had somewhat of a unique lot.

**MOTION/Second:** Moffat/Guggenbuehl recommend denial as per staff's recommendations.

**VOTE: (6-0)**

### III. Other Business

- Director Hamre introduces the new manager of Community Planning – Adam Fulton.
- Annual planning commission meeting in February
  - Determine date, time and location. Sydow is not available in February. February 16<sup>th</sup> has the most potential. Hamre asks if there is interest in postponing to March or April. Tentatively look at March 15<sup>th</sup>. Zenith awards will be presented. They are accepting nominations. They will be focusing on one or two projects or plans to honor excellence. This is their third year giving out the award.
  - Proposed changes to the bylaws require a 30 day written notice.
  - January 25<sup>th</sup> is the hotel appeal to the city council.
  - No brown bags are scheduled this month... maybe February.

### IV. Communications

#### A. Consideration of Minutes – December 8, 2015

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

**VOTE: (6-0)**

#### B. Reports of Officers and Committees

-Heritage Preservation Commission Representative – Guggenbuehl gives an overview. The school district needs money to rehabilitate Old Central. A referendum may be needed, as well as grants. Chimney repair work is needed.

#### C. Meeting adjourned at 6:30 p.m.

Respectfully,

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Keith Hamre  
Director of Planning and Construction Services