

City of Duluth Planning Commission

February 08, 2022
Meeting Minutes

Due to the COVID-19 emergency, many planning commission members participated through video conference from home. The meeting was held as a Special Meeting pursuant to Minnesota Statute 13D.021 in response to the Covid-19 emergency. Public comment was taken at planning@duluthmn.gov prior to and during the meeting, and via verbal comment through public attendance in the WebEx video conference during the meeting.

Call to Order

Vice-President Sarah Wisdorf called to order the meeting of the city planning commission at 5:04 p.m. on Tuesday, February 8th, 2022.

Roll Call

Attendance: (* Via WebEx video conferencing – all votes conducted via roll call)

Members Present: Gary Eckenberg*, Jason Hollinday*, Michael Schraepfer*, Andrea Wedul*, Sarah Wisdorf*, and Zandra Zwiebel*

Members Absent: Jason Crawford and Margie Nelson

Staff Present: Adam Fulton*, Robert Asleson*, John Kelley*, Kyle Deming*, Steven Robertson*, Jenn Moses* and Cindy Stafford*

Approval of Planning Commission Minutes -

Planning Commission Meeting – January 11, 2022

MOTION/Second: Eckenberg/Wedul approved

VOTE: (6-0)

Public Comment on Items Not on Agenda

None

(Item PL 22-007 was removed from the consent agenda and placed under public hearings.)

Consent Agenda

PL 22-001 Interim Use Permit for a Vacation Dwelling Unit in a Form District at 1218 ½ E 4th Street – Unit 1 – by Maxim & Father, LLC

PL 22-002 Interim Use Permit for a Vacation Dwelling Unit in a Form District at 1218 ½ E 4th

Street – Unit 2 – by Maxim & Father, LLC

PL 22-003 Interim Use Permit for a Vacation Dwelling Unit in a Form District at 1218 ½ E 4th Street – Unit 3 – by Maxim & Father, LLC

PL 22-004 Interim Use Permit for a Vacation Dwelling Unit in a Form District at 1218 ½ E 4th Street – Carriage House – by Maxim & Father, LLC

Public: No speakers.

MOTION/Second: Holliday/Wedul approved consent agenda items as per staff recommendations

VOTE: (6-0)

Public Hearings

PL 22-007 Interim Use Permit for a Vacation Dwelling Unit at 8502 Bessemer Street by Mark and Jamie Sams

Staff: John Kelley gave an overview and welcomed questions.

Commissioners: Gary Eckenberg noted the various public comments they received. The property has been operating on a rental basis for the last eight months. Are they out of compliance? Per Kelley, the applicant has an accessory home share permit. The owner occupies the basement and rents out the upper level. Eckenberg asked if an accessory home share permit requires the property to be homesteaded. Kelley stated yes, the owner has to be on site while guests are there. Eckenberg stated the comments the commission received stated the owner does not live there. They are getting mixed messages. Commissioner Michael Schraepfer stated the accessory home share requirements don't specify homestead, just states their primary residence. Deputy Director Fulton affirmed it does not list homestead, but it is implied that it is their primary domicile. Commissioner Andrea Wedul noted there are multiple dwellings on the property. Will they convert the whole building for a vacation dwelling? Per Kelley, this application is for three rooms and defers to the applicant. There are combinations/options available for rental, which can also be long term.

Applicant: Mark Sams addressed the commission, and stated this is the first time he is going through this process. He doesn't agree with the neighbors' comments, and thinks they are false accusations. They bought the house in 2020 and planned to fix up the upstairs, while living downstairs. This is his primary homestead. He is there every day, and rents mainly on weekends. Of the 35 guests who have stayed there, he has received a perfect score on the vacation rental websites. He caters to skiers and mountain bikers. He has never received a letter or notice from his neighbors before this process. He wished they would have talked to him beforehand. Commissioner Eckenberg stated there was indication of another home being owned by Sams in a city nearby. Sams stated his wife and kids live in Hermantown. Sams contacted a tax assessor and clarified with the county that the Bessemer property is a homestead residence. Sams feels lucky that they were chosen in the lottery to apply for a regular vacation dwelling unit. He travels occasionally for work, but is home when guests are there. Eckenberg noted the current accessory home share license allows up to four renters, and it will be increased to seven renters with the interim use permit. He asked if Sams is expecting a higher density of use. Sams stated yes, but didn't realize the tension in the neighborhood. He would be willing to reduce the number in order for approval. He is willing to work with the neighbors. Commissioner Schraepfer doesn't feel the need to reduce the number of guests. He doesn't feel the neighbors understood the process. Commissioner Wedul stated she appreciates

the applicant's willingness to work with the neighbors. She asked about the managing agent of the property. Sams stated if he isn't residing in the home, he will absolutely be there in a drop of a hat.

Public: Shanna Thompson – 8421 Bessemer St. – addressed the commission. She stated she also sent a letter. The Sams do take good care of their property. She said if the owner is occupying the lower level, there are no lights on. She notices an increase of traffic when guests are present, and they tend to drive quickly. She doesn't want to see this situation get worse, and doesn't want to see it become commercialized. They have had people walk through yards to get to Spirit Mountain. Andy Clade – 4080 Bessemer St. – addressed the commission. He is opposed and is concerned about the owner not being there. If the renters get out of hand, how is it enforced? What are the neighbors' options? Mike Casey – lives in Smithville – addressed the commission. He shared his experience of living next to an AirBNB. He has not had any real issues. He realizes the fear of change, but noted his own experiences have been positive. Chair Wisdorf asked the applicant if he would like to respond to the neighbors' comments. Sams said his game plan is to rent to good people, and is willing to work with the neighbors to keep occupancy and traffic to a minimum.

Commissioners: Eckenberg noted if the neighbors have issues with the vacation rental they can call the managing agent/owner. He agrees with Schraepfer that the owner has done everything correctly in applying for this permit, which can be confusing. Wedul reiterates Eckenberg's comments and notes there are conditions/rules that must be followed by the renters. If the rules aren't followed there is a provision in place to revoke the permit.

MOTION/Second: Eckenberg/Zwiebel approved as per staff recommendations.

VOTE: (6-0)

PL 21-137 Special Use Permit for a Self-Service Storage Facility at 5710 Grand Avenue

Staff: Deputy Director Adam Fulton noted there was a computer blog stating this application was withdrawn. Staff has not received official word from the applicant. Staff is recommending denial. No application for a variance has been issued. The applicant is not in attendance. Kyle Deming introduced the applicant's proposal for a special use permit for a combination self-service storage facility, and retail showroom, installation facility, outdoor display and storage for U-Haul. Staff recommends that the planning commission deny the application for a special use permit based on the findings described fully in the review and discussion section of the staff report, and the staff recommendation section. Staff received many comments, some for and some against the proposal.

Commissioners: Schraepfer asked about the state statute regarding zoning. Per Deming, the proposed use is not allowed under the zoning ordinance because of its adjacency to residential properties, and no such use variance could be statutorily permissible under existing law. Schraepfer asked about the windows. Why does a new use require windows? He has never seen a big box store with multiple windows. Per Deming, when the Kmart building was built in 1991, windows were not required. A new use would require meeting of the existing UDC standards. Schraepfer asked if all new big box stores have to comply with 65% window transparency. Deming stated if there is a change in use.

Applicant: Not present.

Public: Mike Casey – 415 S 88th Ave W – addressed the commission. He is glad staff isn't recommending approval. Big box stores are only designed for a 12-year life span. He would like to prevent this from happening again. He noted the S-curve road (Bristol St.) nearby which is possibly the worst road in Duluth. He would like to see it improved. Janet Kennedy – lives right

around the corner in the Irving neighborhood. She is speaking as a public citizen and not as a city councilor. She stated Duluth can't afford another big box store that doesn't add anything to the community. She agrees with Casey that Bristol Street isn't safe. West Duluth needs development, but needs the right development. She wants to see businesses and the community connected. The neighborhood was never asked to engage in this project. She has lived in the neighborhood for over 40 years. This proposal does not meet UDC standards, or align with the City's Comprehensive Plan. She encouraged the planning commission to uphold staff's recommendation to deny. A letter from Danette Lynch was read to the commission by Deputy Director Adam Fulton. She stated the proposal does not meet UDC codes. A U-Haul storage facility is not a good fit, and limits future development. This huge space deserves so much better.

Commissioners: Wedul appreciates the many comments that were received. She is excited for the area and the prime location for redevelopment. This will be a vibrant community versus a blighted one. Commissioner Zandra Zwiebel also appreciates staff and the community comments. She referred to Schraepfer's comments about the 65% window transparency. When Shopko gets sold, will they need windows? Per Deputy Director Fulton, staff has not re-evaluated standards for big box stores. Self-storage facilities are different than big box stores.

MOTION/Second: Wedul/Eckenberg denied as per staff recommendations

VOTE: (6-0)

PL 21-210 UDC Text Amendment to Section 50-18.2, Airport Overlay District, by the City of Duluth

Staff: Steven Robertson gave an overview. This proposed ordinance amendment was discussed at the previous planning commission meeting on January 11, 2022. Additional city staff comments and suggestions were received following the meeting, and minor changes were incorporated into the proposed ordinance.

Commissioners: Zwiebel noted the new airport overlay map. Per Robertson, Zone C has been pulled back approximately one mile past the end of zone B.

Public: No speakers.

MOTION/Second: Eckenberg/Hollinday recommended approval as per staff recommendations.

VOTE: (6-0)

PL 22-010 UDC Text Amendments Related to New Land Uses; 50-19.8 Permitted Use Table; and 50-41 Definitions

Staff: Steven Robertson gave an overview. Staff is proposing a minor ordinance change to recognize three additional land uses: 1) car wash, 2) auto impound lot, and 3) commercial support services. The hotel item has been withdrawn for tonight's discussion. Staff recommends approval of the UDC updates to then go to the city council.

Commissioners: Eckenberg noted auto impound lots. Who can impound an auto? Police? Does the impound lot have to be certified by an authority? Per Robertson the city clerk's office issues licenses. There is clear language about screening, lighting. He appreciates the feedback regarding licensure.

MOTION/Second: Eckenberg/Wedul recommended approval as per staff recommendations noting auto impound lot licensure be included

VOTE: (6-0)

Old Business

PL 21-096 Minor Subdivision at Glen Place and W Michigan Street by Aaron Schweiger

Item to remain on the table for more plat research.

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. Planning Manager Ben VanTassel is leaving his manager role with the planning office for a director role overseeing the Clerk’s office, HR, and Information Technology Departments. The March planning commission will still most likely be virtual. He noted planning commissioner Eddie Ranum has resigned, and a few other commissioners terms are ending.

Heritage Preservation Commission – Commissioner Wisdorf noted they are meeting next Monday and will look at the Depot’s design permit application, as well as the Duluth Historic Downtown Design Guidelines. Robertson stated they have received comment from SHPO.

Joint Airport Zoning Board – Commissioner Eckenberg noted the passage tonight of the text amendment for the Airport Overlay District by the planning commission was a big step.

Duluth Midway Joint Powers Zoning Board – No update.

Adjournment

Meeting adjourned at 6:43 p.m.

10 minutes recess before Annual Meeting

(Commissioner Zwiebel left before the annual meeting)

ANNUAL MEETING

Central Entrance Corridor Plan Presentation

Ron Chicka, Director of the MIC, and James Gittemeier, City of Duluth Senior Transportation Planner, gave an overview. The DOT is now taking this into their design phase. It is a multi-modal system which plans on integrating transit and pedestrian traffic into automobile traffic. The Roadway system and utility system need major repairs.

Election of Officers

Planning Commissioner President

MOTION/Second: Eckenberg/Wedul nominate and elect Sarah Wisdorf as planning commission President

VOTE: (5-0)

Planning Commissioner Vice-President

MOTION/Second: Wedul/Schraepfer nominate and elect Gary Eckenberg as Planning Commission Vice-President

VOTE: (5-0)

Zenith Awards

Jenn Moses gave an overview. They city didn't give out zenith awards in 2021, but they want to bring it back and feel recognition is well-deserved for projects, events or programs that stand out as excellent. City staff came up with four suggestions, but the planning commission can add other ideas.

- 1) Enger Lofts – 1832 W. Superior St.
- 2) Central Entrance Vision Plan
- 3) Harbor Wall/Baywalk/Seawall Plan
- 4) Lakewalk Resiliency Program

Commissioner Shraepfer noted in the past the award has been given to something that was already built. He suggested the possibility of giving out two awards: one for private and one for public. The acknowledgement of both is important. Vice-President Wisdorf agrees, and feels hesitant to nominate something not in the ground yet. She also noted possibilities to include are the Downtown Design Guidelines and Old Central High School new development. Commissioner Eckenberg agrees with Wisdorf and Schraepfer, and would like to recognize stellar private enterprises. The Enger Loft project is complete and they did a great job.

MOTION/Second: Eckenberg/Wedul nominate the Enger Loft project for this year's Zenith Award

VOTE: (5-0)

Adjournment

Annual Meeting adjourned at 7:45 p.m.

Respectfully,

DocuSigned by:
Adam Fulton
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Adam Fulton – Deputy Director
Planning & Economic Development