



City of Duluth

Meeting Agenda

Planning Commission.

Tuesday, January 12, 2021

5:00 PM

Council Chamber, Third Floor, City Hall, 411
West First Street

To view the meeting, visit <http://www.duluthmn.gov/live-meeting>

Call to Order and Roll Call

Public Comment on Items Not on Agenda

Approval of Planning Commission Minutes

[PL 20-1208](#) Minutes 12/8/20

Consent Agenda

[PL 20-185](#) Variance to Side and Front Yard Setbacks to Match Existing Foundation at 2001 W 8th Street by Kurt Herke

[PL 20-189](#) Interim Use Permit for a Vacation Dwelling Unit at 7 N 19th Avenue W, Unit 1, by Newcastle 8 LLC

[PL 20-190](#) Interim Use Permit for a Vacation Dwelling Unit at 7 N 19th Avenue W, Unit 2, by Newcastle 8 LLC

[PL 20-191](#) Interim Use Permit for a Vacation Dwelling Unit at 7 N 19th Avenue W, Unit 3, by Newcastle 8 LLC

[PL 20-192](#) Interim Use Permit for a Vacation Dwelling Unit at 7 N 19th Avenue W, Unit 4, by Newcastle 8 LLC

Public Hearings

[PL 20-194](#) Variance to Off-Street Parking Requirements at 310 N 9th Avenue E by Beverly Ricker

Communications

- Land Use Supervisor Report
- Historic Preservation Commission Report
- Joint Airport Zoning Board Report

- Duluth Midway Joint Powers Zoning Board Report

NOTICE: The Duluth Planning Commission will be holding its January 12, 2021 Special Meeting by other electronic means pursuant to Minnesota Statutes Section 13D.021 in response to the COVID-19 emergency. Some members of the Commission will be participating through video conference. Due to the COVID-19 emergency and the closure of City facilities, public comment will not be taken in person. However, members of the public can monitor the meeting and provide public comment on agenda items through WebEx Events. Visit <https://duluthmn.gov/live-meeting> to access the meeting. The public is also encouraged to submit written comment to planning@duluthmn.gov prior to the meeting. Please include "Planning Commission Agenda" in the subject line, and include your name and address and the agenda item you are speaking to. Please note that all public comment is considered Public Data. The public is also encouraged to watch the meeting by tuning into Public Access Television, Channel 180.

Work Session on Pending UDC Text Changes

[PL 20-UDC](#) Proposed UDC Changes

City of Duluth Planning Commission

December 08, 2020
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

President Margie Nelson called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, December 8th, 2020.

Roll Call

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

Members Present: Jason Crawford*, Gary Eckenberg*, Tim Meyer*, Margie Nelson*, Michael Schraepfer* (arrived after the vote on the minutes), Andrea Wedul*, Sarah Wisdorf*, and Zandra Zweibel*

Member Absent: Eddie Ratnam

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

Public Comment on Items Not on Agenda - No speakers.

Approval of Planning Commission Minutes

Planning Commission Meeting – November 10, 2020

MOTION/Second: Wisdorf/Zwiebel approved with minor change

VOTE: (7-0)

Consent Agenda

Items PL 20-175 and PL 20-166 were removed from the consent agenda and placed under the Public Hearing portion of the agenda.

Public Hearings

PL 20-175 Concurrent Use Permit for HVAC Equipment above the alley at 301-07 W 1st St.

Staff: John Kelley available for questions.

Applicant: David Dubin present and available for questions.

Public: No speakers.

Commissioners: Gary Eckenberg asked if the air conditioning units will be mounted above vehicle height. Deputy Director Adam Fulton noted they will be mounted higher than vehicle level, and will not interfere with vehicular traffic.

MOTION/Second: Zwiebel/Wedul recommended approval as per staff recommendations.

VOTE: (8-0)

PL 20-166 Interim Use Permit (IUP) for Vacation Dwelling Unit at 621 W 5th Street by Benjamin Klismith

Staff: John Kelley introduced the applicant's proposal for use of an 8 bedroom single-family unit as a vacation dwelling unit. The permit will allow for 17 occupants. The screening will include a 6-foot tall chain link fence with vines on it during the summer months and existing vegetation along the property line of the adjacent property. The home is currently under renovation. Staff recommends approval with the conditions listed in the staff report. Eckenberg referred to the county records of a two-room bedroom. Now they wish to convert it to eight? Kelley affirmed. Andrea Wedul commented on all the neighbors' comments they received, and asked if it will be a vacation dwelling or a hotel. Kelley stated an interim use permit for a vacation dwelling was applied for. It is a non owner-occupied dwelling with eight bedrooms. Deputy Director Fulton noted a critical distinction between the IUP and a hotel. A hotel is required to have a front desk. A hotel would not be allowed in this district. Eckenberg asked about the neighbor notification letters that were sent out. There was a typo in the staff report. The letters went out on November 23rd and not September 8th. Tim Meyer asked about the definition of a vacation dwelling. What is the maximum number of occupants allowed? Per Kelley, the Unified Development Code (UDC) doesn't have a maximum cap on the rooms at this time. Meyer thinks they may need to address this in the future. He thinks it goes beyond size and scale of what should be allowed. Deputy Director Fulton noted another distinction of an IUP versus a hotel. An IUP welcomes one family or party at a time. Wedul asked about the parking situation. Kelley noted there was parking in the garage and a large parking area in the rear yard area. R-1 zoning allows for a single-family, eight-bedroom home. Deputy Director Fulton noted there are all different sizes of homes in Duluth. The building code may require sprinklers if there are more than four bedrooms. Wedul asked where the north property line is. Does the deck cross this line? Kelley noted decks can encroach into setbacks, and it may be an existing deck. Michael Schraepfer noted for context reasons, the city already has two IUP's this large, including one on Hawthorne Road. This is not unusual. Zandra Zwiebel noted her personal experience in Santa Cruz with her family. It is a large family gathering and feels it could be a successful situation allowing these residences in Duluth. She understands the neighbors' concerns, but doesn't feel this will be used for a party hour by college students.

Applicant: Ben Klismith addressed the commission and noted they have put a lot of work into the house so far. The house will need to be ADA accessible. The living room will be made into two bedrooms. The will be hardwood floors throughout the home, and it will not be a party house, but a family gathering house. Eckenberg asked about the property manager. Klismith noted Justen Janssen is only three miles away, and is available in case a

rapid response is needed. Klismith wants to be closely involved, but understands why a local manager is needed.

Public: Chair Nelson noted a lot of comments were received. Heather Rand stated that she is a Duluth resident, living at 530 N 5th Avenue West, addressed the commission. She lives a block away and is concerned about vacation rental in general. She has had a bad experience with a rental house before, and noted the situation of strangers becoming part of your living environment. She feels it is different in a commercial district. She asks the commissioners to look at the bigger picture and not to convert residential neighborhoods into this type of situation. Eckenberg asked her about the illegal vacation rental in 2016. Why was it illegal? Rand stated there was no sign, and they didn't have any off-street parking. Rand stated it was an intrusion into their privacy. They can't screen property on the slope on the hillside. Eckenberg asked if it was just one party. Rand affirmed – five people and one party. Families are great, but they'll be out on their decks, grilling and playing games. There is a difference between neighbors and strangers. Lisa and John Kappaman, 625 W 5th Street addressed the commission. They are only nine feet away. They appreciate the maintenance work being done on the building, but they are not comfortable with the scale of the vacation rental. She noted the ADA driveway is very close to them. They have had two accidents in their own driveway during slippery conditions. They have a wonderful neighborhood with neighbors helping neighbors. They don't want to see that change. Chana Stocke, 523 W 6th Street, addressed the commission. She is opposed to the vacation rental. She thanked the commissioners and noted that she also sent an email. This is a small residential neighborhood and this proposal feels like a commercial venture. The hillside views are not secret. They have total strangers coming into their yard to take pictures of the lake and lift bridge. She is worried that other commercial companies will pick other houses on the hillside for the same purpose. She doesn't want it to become Hillside Row. Noise travels easily on the hillside. She asked the commissioners if they would like a 17 person "hotel" next to them. She isn't against vacation rentals, but is opposed to outside commercial developers moving in. David Ross, 526 W 6th Street, addressed the commission. He and his wife Katie also submitted a written comment. He is concerned about parking. There are no curbs or sidewalks, and the home is located on a rock ledge. Water freezes where the entrance is going to be. He envisions 17 unexpected people trying to shoe-horn vehicles into a rubiks cube formation. He hopes the commissioners take the neighbors' considerations over an outside developer who is set to profit. City councilor Roz Randorf noted the UDC code is a road map. This rental will change the character of this R-1 neighborhood. Maybe the code needs to be changed to consider long-range neighborhoods. This is her district, and a boutique hotel will change things. Sue Bowman addressed the commission. She lives across the street to the east. She is also concerned about parking. Water freezes and ice forms and cascades down. There is no drainage, and often creates a skating rink in the winter. Neighbors know to only access using 8th Avenue West because 5th Avenue is too steep and treacherous. Unknowing traffic often gets stuck trying to use 5th Avenue West. The driveway is at the bottom of a hill, and she thinks renters will get stuck. She is also concerned about noise, and is very opposed.

Commissioners: Zwiebel noted in the past, she listened to the neighbors' concerns regarding the IUP at 1201 Woodridge Circle. She said there were maybe three times as many more neighbors in the same situation. At the time she voted against the IUP, and she has regretted that vote. She understands the neighbors' comments, but notes the entire front of the property is rock, so it is not like they will be hovering over another

home. The applicant is in compliance with the rules, and she is in support of this IUP. Wedul appreciates Zwiebel's comments, but asked if they should consider additional buffering. She thinks they should look into possibly updating the UDC in the future, but in this case the applicant has met all provisions. Tim Meyer stated this is his eighth year on the planning commission. Every once in a while a case comes up that tests the code. He feels this goes beyond the intent of a vacation rental. This kind of density would start to compete with B&B's and hotels in the area. When a majority of neighbors object, he does listen. He has a hard time supporting. Schraepfer stated this is his sixth year of the planning commission. There is still a cap of 60 IUP's allowed in Duluth city limits. There should be no fear of more coming into the market. He noted bringing the home into ADA compliance is very expensive. It is one home, and not a hotel. He has seen groups with 17 people. Wedul noted there is a change to recreational tourism and this is a great opportunity for Duluth. 17 people also gives her pause, but there is no violation here or in code, so she will be voting in support. Eckenberg visited the site and noted the steepness. He recalled his own challenge of getting up his daughter's driveway. He can only imagine eight vehicles going up and down this driveway in the winter. He is concerned about the parking and will be voting against it. Wedul asked if it would be warranted to table this item for more discussion due to a mix-up with neighbor notification. Deputy Director Fulton stated that notifications were sent out properly. Jason Crawford feels there is no need to table, and they have a clear understanding about how the neighbors feel.

MOTION/Second: Zwiebel/Crawford recommended approval as per staff recommendations.

VOTE: (6-2, Meyer and Eckenberg Opposed)

This item can be brought to the city council for their meeting in January.

PL 20-158 Variance to Side Yard Setback for Garage with living space at 204 W 6th Street by Roger Reinert

Staff: Kyle Deming introduces applicant's proposal to construct a 22' by 22' addition to the northeast corner of the dwelling. The addition will consist of a garage with one level of living space above. A variance is needed to reduce the corner side yard setback (North Second Avenue West) to three feet. The topography on the property drops about 30' northwest to southeast, with a steep drop down from W. 6th St. Other locations on the property would not be feasible due to the topography and an old building foundation to the west. Staff recommends approval with the conditions listed in the staff report. Deming would like to add one more condition. Minnesota Power mentioned they are concerned about the proposed building addition's proximity to an overhead electric wire running along 2nd Ave. W., and wants to make sure the design takes into account required distances to the electrical wire. Wedul noted the Minnesota Power setbacks. Would it be unbuildable? Deming stated it is buildable, and they just need to take their concerns into account.

Applicant: Roger Reinert addressed the commission. Their goal has been to add a garage. They purchased the home last summer. Building is challenging due to the steep slope. Their intent is to match the garage to the existing foundation. They are trying to be a good neighbor, and will not infringe on anybody's view.

Public: No speakers.

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

VOTE: (8-0)

PL 20-152 UDC Map Amendment to Rezone from Mixed Use Business Park (MU-B) to Residential-Urban (R-2) for Properties Between 1725 and 1827 W 1st Street, Located on the Northwest Side of the Block of West 1st Street Between Piedmont Avenue and 19th Avenue West by the City of Duluth

Staff: Steven Robertson introduced the city's proposal to rezone the property. Both map and text changes require ordinances and city council action. The neighbor letters were sent on November 23rd. Both rezoning s are city actions. This action was initiated by city staff because in the past year they have had two pre-application meetings with people wanting to expand their homes, but in MU-B, you can't as the single family homes are considered by legal non-conforming uses. By changing the zoning to R-2 they would now be allowed to expand. Zwiebel asked if the body shop would be able to expand. Robertson noted they could expand into the neighboring lot if they purchase it. The city feels the best fit for the neighborhood is residential use.

Applicant: N/A

Public: No speakers.

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

VOTE: (8-0)

Commissioner Wedul recused herself from the next agenda item due to a financial conflict.

PL 20-178 UDC Map Amendment to Rezone from Mixed Use Neighborhood (MU-N) to Form District 5 (F-5) at 215 N First Avenue E, the North Half of the Site of the Historic Old Central High School by the city of Duluth

Staff: Deputy Director Fulton noted there has been discussion on this site over the years. The school is collaborating with a developer. The site is currently split zoned, and needs to be appropriately, therefore, a form district is being proposed consistent with the comprehensive plan. Steven Robertson noted future development may include multi-family housing. Not having multiple zoning districts will make financing easier. The rezoning is being done on behalf of the city. The two adjacent parking lots are not part of the rezoning, even though they related to the school property and provide off-street parking. This property is designated as a local historic landmark, and developers must present their plan to the Heritage Preservation Commission in the future. Staff recommends approval.

Applicant: N/A

Public: No speakers.

MOTION/Second: Crawford/Zwiebel recommended approval as per staff recommendations.

VOTE: (7-0-1, Wedul Abstained)

PL 20-179 UDC Text Changes Related to Connectivity/Circulation and Platting/Developments

Staff: Steven Robertson noted the three changes being proposed. Two of the changes the commission has seen before, which is the circulation of new developments. There needs to be at least one sidewalk, or multi-use trail. City engineers will approve street names and suffixes. The new change involves drive-thru's (restaurants, but also banks) in the MU-N district. They would like to allow an extra hour of usage/service until 11 p.m. at night if they are at least 250' from any residential structure. This is because demand for

drive-thrus continues to be significant, with many owners citing Covid-19 as an issue increasing their utility.

Applicant: N/A

Public: No speakers.

Commissioners: Zwiebel noted connectivity and sidewalks, and discussed the context of sidewalks with surrounding locations. Robertson said sidewalks on both sides of the streets would be appropriate if adjacent neighborhoods also had sidewalks on both sides of the street, or if a previous small area plan or transportation study outlined future sidewalk placement. Wedul clarified this puts the need for more coordination and better communication with the city engineering. Robertson affirmed. Robertson noted there is great coordination between engineering and the land use supervisor.

MOTION/Second: Zwiebel/Wedul recommended approval as per staff recommendations.

VOTE: (8-0)

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton thanked the commissioners for their service and for dealing with the difficult item. They will revisit vacation rentals, including the possibility of increasing the cap at a future brown bag. They will also bring back the discussion on sober houses. There are no actions for January as of yet. Their annual meeting will be in February and will most likely be held virtually. Staff will continue their dialog with the developer of the Enger golf course site. There are transportation meetings coming up, along with meetings with parks and the county on land swap properties for conservation. Fulton will email with those dates. An email will be sent to the commissioners outlining the meeting dates. An administrative citation has been issued to the property on Cody Street.

Heritage Preservation Commission – Commissioner Wisdorf gave an overview. They will have a special meeting next Monday to go over zoning changes related to iconic buildings.

Joint Airport Zoning Board – No report.

Duluth Midway Joint Powers Zoning Board – No report.

Adjournment

Meeting adjourned at 7:26 p.m.

Respectfully,

Adam Fulton – Deputy Director
Planning and Economic Development



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580
 planning@duluthmn.gov

File Number	PL 20-185	Contact	Chris Lee, clee@duluthmn.gov	
Type	Variance – front and side yard setback	Planning Commission Date	January 12, 2021	
Deadline for Action	Application Date	December 8, 2020	60 Days	February 6, 2021
	Date Extension Letter Mailed	December 14, 2020	120 Days	April 7, 2021
Location of Subject	2001 West 8 th Street			
Applicant	Kurt Herke	Contact		
Agent	Jeremy Jones, CF Designs	Contact	CF Design	
Legal Description	See attached			
Site Visit Date	December 29, 2020	Sign Notice Date	December 29, 2020	
Neighbor Letter Date	December 29, 2020	Number of Letters Sent	21	

Proposal

A variance to increase height within the front and side yard setbacks to construct a new foundation for the existing home. The house will remain in the existing footprint, which is 14 feet from the front property line and 5 inches from the side property line, but will increase in height by 24 inches within the setbacks to accommodate a new foundation.

Recommended Action: Approve variance with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements

Sec. 50-37.9. B – Variance Procedures. “The Planning Commission shall...make a decision on the application based on the criteria in subsections 50-37.9. C – M...”

Sec. 50-37.9.C – General Variance Criteria (paraphrased): Granting of variances of any kind is limited to situations where, due to characteristics of the applicant’s property, enforcement of the ordinance would cause the landowner exceptional practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That the landowner is proposing to use the property in a reasonable manner, b) that the need for relief for from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the

Comprehensive Plan Governing Principles and/or Policies and Current History (if applicable):

Governing Principle #5 – Promote reinvestment in neighborhoods. The new foundation improves the livability of the structure.

Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods. The proposed addition would allow for continued investment in the property that is aging and deteriorating.

Zoning – Residential-Urban (R-1): The R-1 district is established to accommodate traditional neighborhoods of single-family detached residences, duplexes and townhouses on moderately sized lots. This district is intended to be used primarily in established neighborhoods. Many of the dimensional standards in this district require development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas.

Future Land Use – Traditional Neighborhood - Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys.

History: The property currently contains a single-family home built in 1881. The house is 480 square feet and contains 1 bedroom and 1 bathroom.

Review and Discussion Items

Staff finds that:

- 1) The applicant is proposing to reconstruct the foundation of the home and rebuild the existing porch. The applicant is proposing to raise the home up approximately 24” to add a course of brick to build a foundation. The structure currently rests upon its joists sitting directly upon bedrock. The porch will be removed during the lifting of the structure and the applicant would like to rebuild the porch back to the original specifications to retain the character of the home.
- 2) The home is currently set back 4 inches to 7 inches on the west property line and approximately 14 feet from the front property line. This variance will not change the existing setbacks. This building is a legal non-conforming structure that requires a variance due to its increase in height (bulk standard) within the setbacks. The overall height of the building will be under the maximum allowed for residential structures.
- 3) A practical difficulty exists on the site related to topography, the exposed bedrock, the lot size and shape, and position of the house on the parcel. Alternate locations would all require a variance to at least two setbacks. The proposed addition will be consistent with other houses on the block and in the immediate area. The addition will not have an impact on neighborhood character.
- 4) The applicant is proposing to use the property in a reasonable manner as a single-family home. This addition allows the house to be brought to modern building code standards and create a safer and more livable home. The home will increase in size a marginal amount as the foundation will create a small amount of increased volume. The new space will not increase livable area.
- 5) The variance, if granted, would not impair adequate light and air to surrounding properties.
- 6) The variance, if granted, would not result in congestion on the surrounding streets, would not impair fire or emergency service access, and would not diminish established property values in the surrounding area.
- 7) The variance, if granted, would not impair the intent of the UDC expressed in Sec. 50-2. The variance is consistent with the Comprehensive Plan designation of the property.
- 8) No comments from citizens, City staff, or any other entities were received during the drafting of this staff report.
- 9) Per UDC Section 50-37.1.N. approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

Staff Recommendation

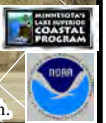
Based on the above findings, staff recommends that Planning Commission adopt the findings of the staff review and discussion items, and grant the variance with the following conditions:

- 1) The project be limited to construction within the existing building footprint, and must not encroach further within the existing setbacks.
- 2) The southwest property line shall be surveyed and staked prior to construction and reviewed at time of footing permit inspection to ensure there is no encroachment onto neighboring property.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



Legend
 Vacated ROW

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.





PL 20-185
Setback Variance
2001 W. 8th St

PC Packet 01-12-2021

ST OF MN
C278 L35

ST OF MN
C278 L35

ARCHAMBEAU
JYLL M

HERKE KURT

VEZINA GARY A

MESSERER
JONATHAN D

MESSERER
JONATHAN D

TIMO PATRICIA

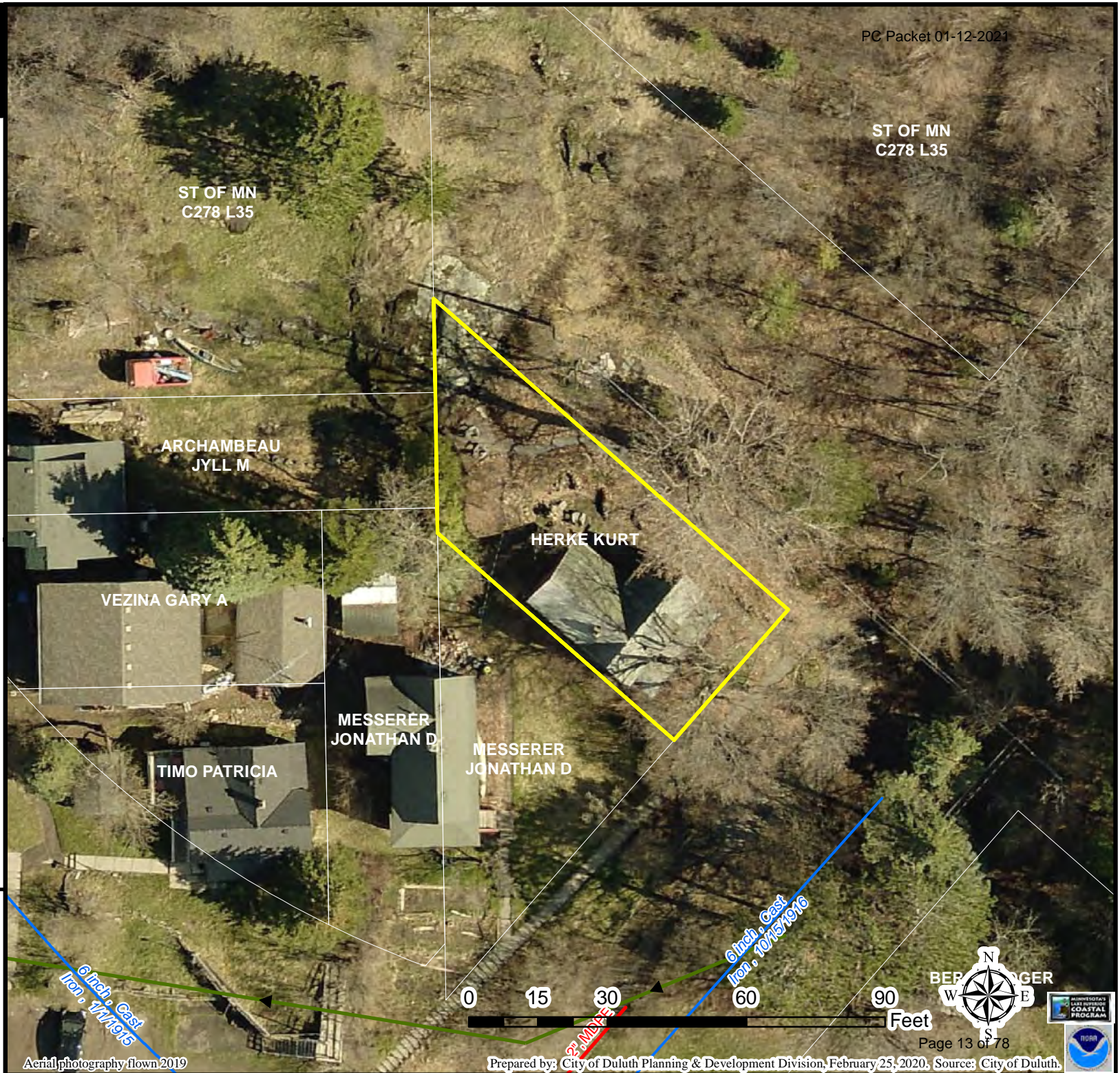
Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
 - CITY OF DULUTH
 - WLSSD; PRIVATE
 - Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
 - Vacated ROW
- Easement Type
 - Utility Easement
 - Other Easement

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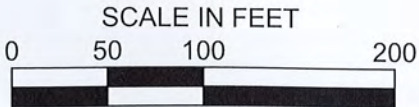
Aerial photography flown 2019

Prepared by: City of Duluth Planning & Development Division, February 25, 2020, Source: City of Duluth.



Surveyors Note: The Block layout used is based on private surveys of Blocks 142, 143 and 157, using the north corner of Block 157 and rotated to the "x" chiseled in concrete at the common corner for Lots 324 and 326 on the northwest line of Block 143. An apparent City monument (spike) is found at the centerline-centerline intersection of 19th Avenue West and 5th Street. It is about 0.68 feet northwest of the street intersection of our Block 142, 143 and 157 layout.

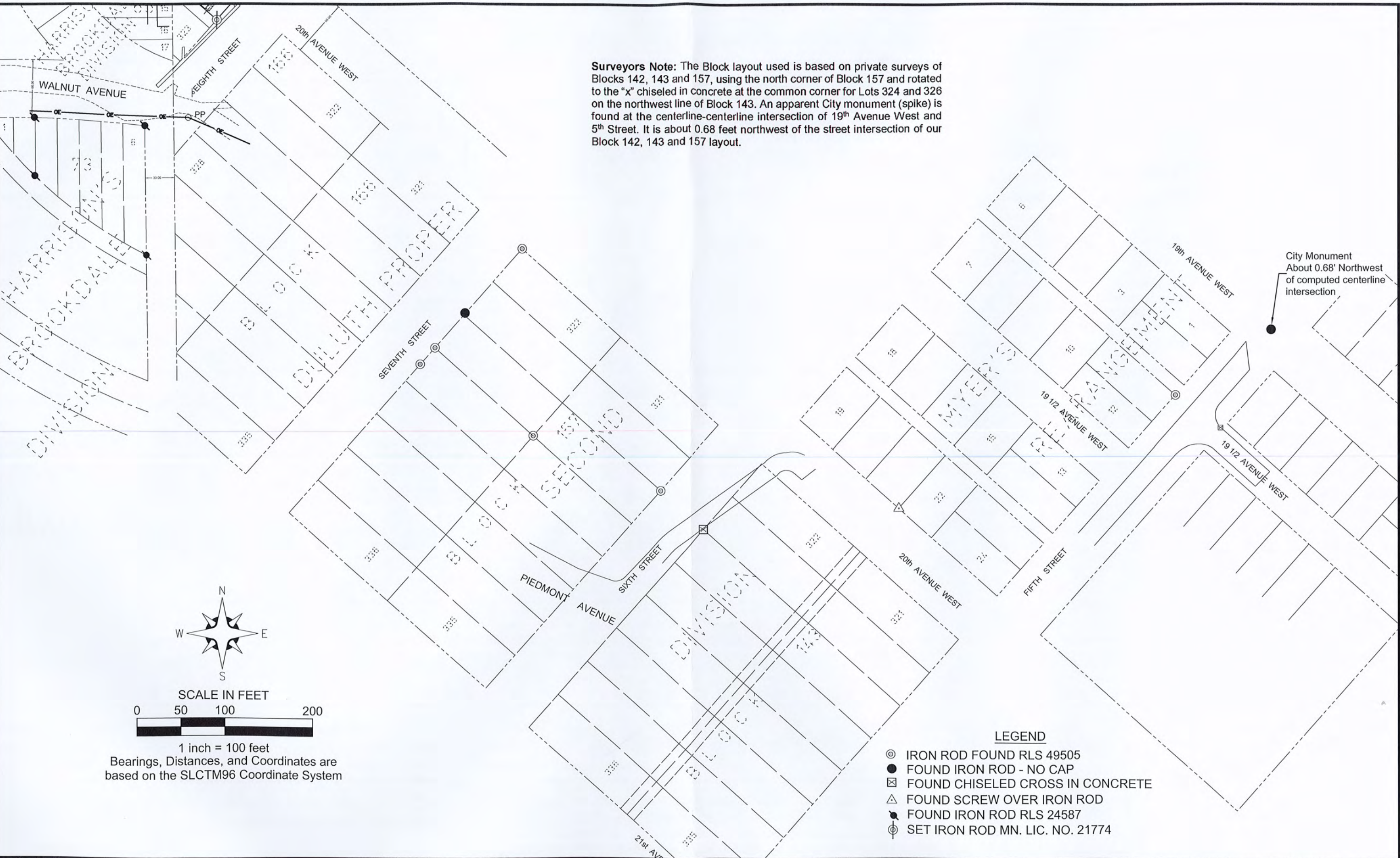
City Monument
About 0.68' Northwest
of computed centerline
intersection



1 inch = 100 feet
Bearings, Distances, and Coordinates are based on the SLCTM96 Coordinate System

LEGEND

- ⊙ IRON ROD FOUND RLS 49505
- FOUND IRON ROD - NO CAP
- ⊠ FOUND CHISELED CROSS IN CONCRETE
- △ FOUND SCREW OVER IRON ROD
- ⦿ FOUND IRON ROD RLS 24587
- ⊕ SET IRON ROD MN. LIC. NO. 21774



DESIGNED	DRAWN
JL	JK
CHECKED	
JG	

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA

Greg Stoewer GREG STOEWER
12/12/2020 21774

TKDA

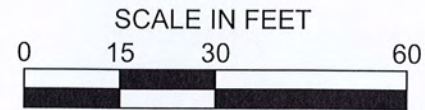
11 East Superior Street
Suite 420
Duluth, MN. 55802
218.724.8578
tkda.com

BOUNDARY SURVEY FOR:
Cheryl Fosdick

DULUTH MINNESOTA

CERTIFICATE OF SURVEY
IN BLOCK 175,
DULUTH PROPER 2ND DIVISION

PROJECT NO. 15-13-407-78
RECORD NO. SHEET NO. 2 of 2



1 inch = 30 feet
Bearings, Distances, and Coordinates are based on the SLCTM96 Coordinate System

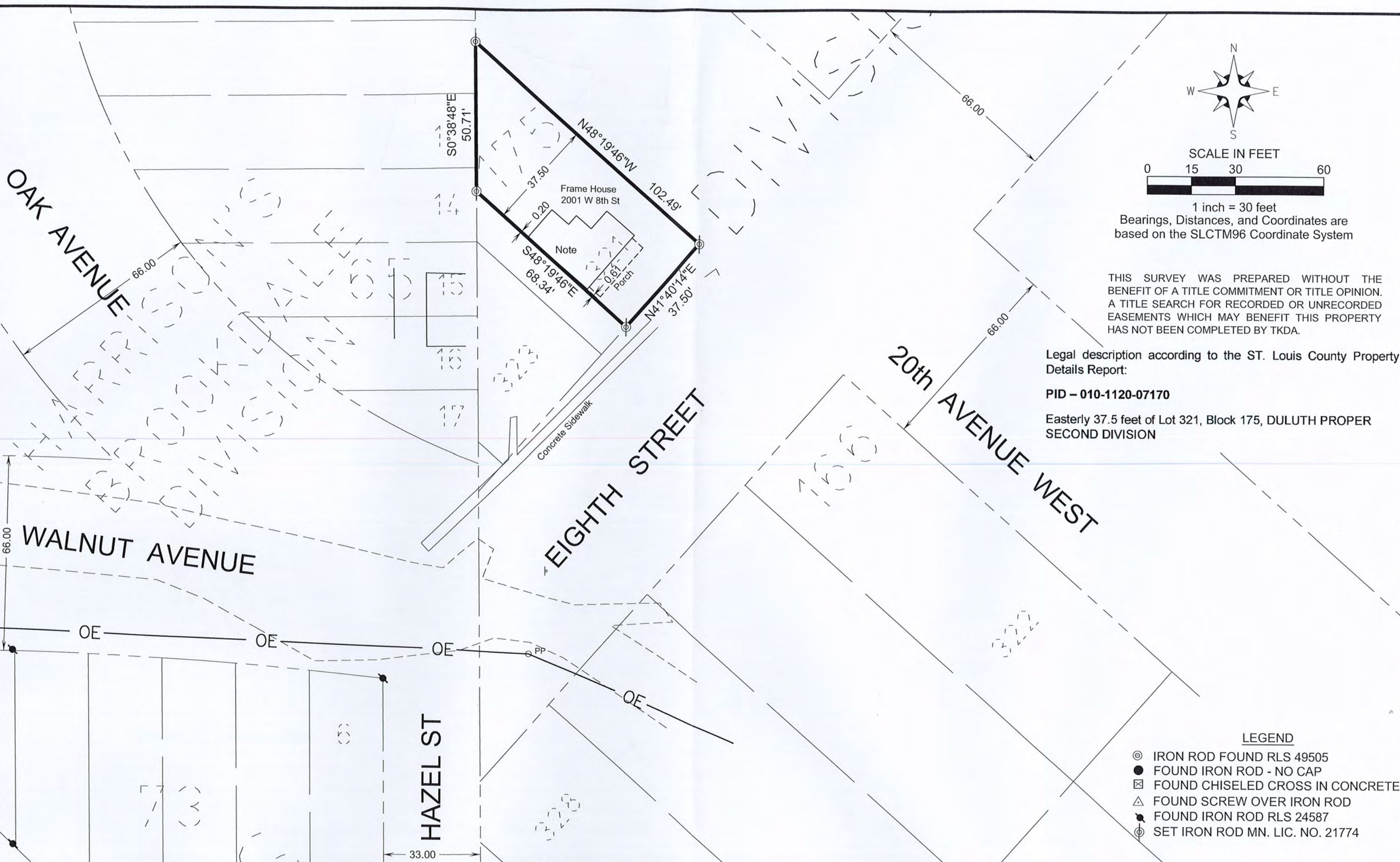
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT THIS PROPERTY HAS NOT BEEN COMPLETED BY TKDA.

Legal description according to the ST. Louis County Property Details Report:

PID - 010-1120-07170

Easterly 37.5 feet of Lot 321, Block 175, DULUTH PROPER SECOND DIVISION

- LEGEND**
- ⊙ IRON ROD FOUND RLS 49505
 - FOUND IRON ROD - NO CAP
 - ⊠ FOUND CHISELED CROSS IN CONCRETE
 - △ FOUND SCREW OVER IRON ROD
 - FOUND IRON ROD RLS 24587
 - ⊕ SET IRON ROD MN. LIC. NO. 21774



<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: 8px;">DESIGNED</td> <td style="font-size: 8px;">DRAWN</td> </tr> <tr> <td style="font-size: 8px;">JL</td> <td style="font-size: 8px;">JK</td> </tr> <tr> <td style="font-size: 8px;">CHECKED</td> <td style="font-size: 8px;"></td> </tr> <tr> <td style="font-size: 8px;">JG</td> <td style="font-size: 8px;"></td> </tr> </table>	DESIGNED	DRAWN	JL	JK	CHECKED		JG		<p>I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA</p> <p style="text-align: center;"><i>Greg Stoeber</i> GREG STOEWER</p> <p style="text-align: center;">12/02/2020 21774</p>	<p style="text-align: center;">TKDA</p> <p>11 East Superior Street Suite 420 Duluth, MN. 55802 218.724.8578 tkda.com</p>	<p style="text-align: center;">BOUNDARY SURVEY FOR: Cheryl Fosdick</p> <p style="text-align: center;">DULUTH MINNESOTA</p>	<p style="text-align: center;">CERTIFICATE OF SURVEY IN BLOCK 175, DULUTH PROPER 2ND DIVISION</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: 8px;">PROJECT NO.</td> <td style="font-size: 8px;">Page 16 of 78</td> </tr> <tr> <td style="font-size: 8px;">RECORD NO.</td> <td style="font-size: 8px;">SHEET NO.</td> </tr> <tr> <td style="font-size: 8px;"></td> <td style="font-size: 8px;"></td> </tr> </table>	PROJECT NO.	Page 16 of 78	RECORD NO.	SHEET NO.		
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Variance Application Supplemental Form

Prepared by Jeremy Jones Assoc. AIA of CF Design Ltd. for Steven Kampa and Kurt Herke on 11/30/2020

UDC Section seeking relief from:

50-14.5 (Residential-Traditional, R-1); seeking relief from front and side yard setbacks

1. Please explain how the exceptional narrowness, shallowness or shape of the property, or exceptional topographic or other conditions related to the property, would result in practical difficulties under strict application of the requirements of the UDC:

The residence located at 2001 W. 8th St. was built in 1881 and is in need of a new foundation and new front porch. The building was erected approximately 2' off the southern side yard property boundary and approximately 13' off the front yard property boundary (these distances were determined using 2016 county imagery in Land Explorer; a boundary survey has been requested & will be submitted with the variance application). The original placement of the building does not conform to current adopted zoning standards under 50-14.5. The location of this site is on what is known as 'Goat Hill' and is a sloped site with exposed bedrock. We are planning to remove the existing front porch, lift the building in place, construct a new foundation, set the building back down in its existing location, and then rebuild the front porch. However, due to the topography of the site, we are requesting that the new foundation be allowed to be up to 24" higher than the existing foundation which creates a vertical increase in non-conformance. The reason for the requested increase in height is that the rim joist on the northern side of the building is at grade (please see image 3 below) and it is anticipated that a stepped footing will be required due to the slope of the site and exposed rock. Raising the building up to 24" will allow for a conventional footing with a single course of ICF block stem wall on this northern side and will provide enough space between final grade and the wood structure of the building to meet building code. Drainage/runoff from the site to adjacent properties will remain essentially unchanged.

2. Please explain how the special circumstances or conditions that create the need for relief is due to circumstances unique to the property and were NOT created by the property owner or the property owner's predecessors-in-interest:

The structure was in place prior to UDC adoption.

3. Please explain the special circumstances or conditions applying to the building or land in question are peculiar to this property or immediately adjoining properties, and do not apply generally to other land or buildings in the vicinity:

Not applicable

4. Please explain how the application proposes to use the property in a reasonable manner, that is not permitted by this code:

We are asking to properly maintain the structure which requires a new foundation. The new foundation requires the building be raised higher than it currently sits to meet building code and to allow for a conventional footing and one course of ICF/foundation wall forms to go in on the Northern side of the building. This will improve the value and safety of the property. The overall form of the building will remain essentially unchanged aside from the small increase in foundation/building height.

5. Please explain how that if the variance is granted it will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets or the property values within the surrounding areas, or in any other respect impair the health, safety or public welfare of the inhabitants of the city:

Light and air will remain essentially unchanged given the small change in height being requested and the site being on the north side of its immediate neighbor.

6. Please explain how, if the variance is granted, it will not substantially impair the intent of this Chapter and the official zoning map, and will not alter the essential character of the neighborhood:

This building has been part of the neighborhood fabric for 139 years. Properly maintaining this home reinforces the essential character of the neighborhood by ensuring it will be around for another 100 years.

Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsection D through M (E. Unsewered Areas, F. Two Family Dwellings in R-1, G. Parking Regulations, H Reduce Setbacks, I. MU-C District, J. Airport Overlay, K. Flood Plain Regulations, L. Shorelands, or M. Non-Conforming Buildings)? Yes **No**

Brief written statement affirming that the property has obtained all required city permits (i.e. all the structures on the property have received building permits, where applicable).

I have no knowledge of a building permit being required by the city at the time of construction or if one was obtained.

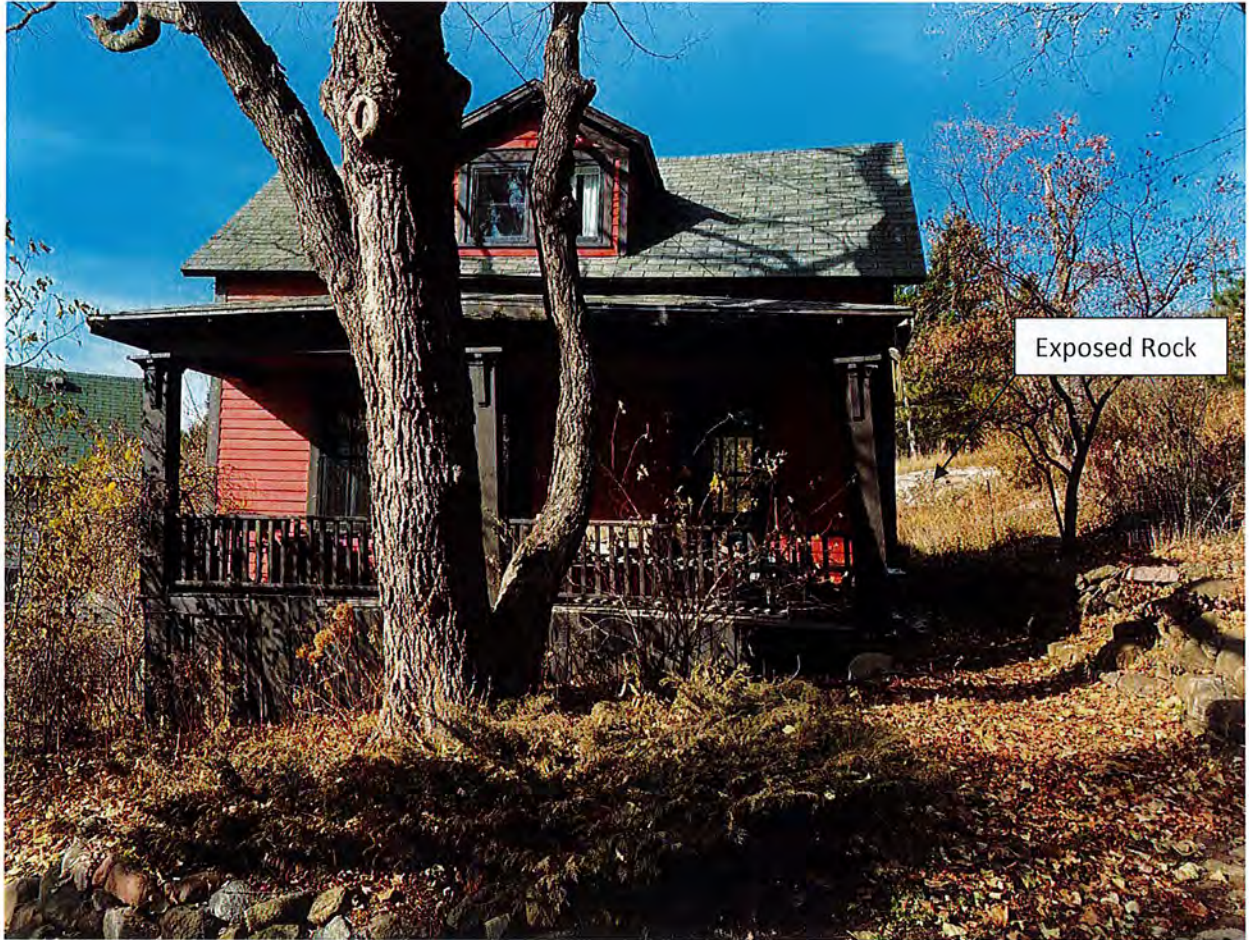


Image 1. Front of house (easterly facing façade)



Image 2. Northern side of building



Image 3. NW corner of dining room; showing rim board/grade condition



Image 4. North-Northwestern side of building



Image 5. Southern side of building



Image 6. Exposed rock on NW portion of property



Image 7. St. Louis County Aerial Imagery from 2016 (Land Explorer)



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580
 planning@duluthmn.gov

File Number	PL 20-189	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	January 12, 2021	
Deadline for Action	Application Date	December 11, 2020	60 Days	February 9, 2021
	Date Extension Letter Mailed	December 16, 2020	120 Days	April 10, 2021
Location of Subject	7 North 19 th Avenue West Unit 1			
Applicant	Newcastle 8 LLC	Contact	Eric Gunderson & Mike Sevcik	
Agent		Contact		
Legal Description	PID # 010-1120-05350			
Site Visit Date	January 5, 2021	Sign Notice Date	December 29, 2020	
Neighbor Letter Date	December 30, 2020	Number of Letters Sent	38	

Proposal

Applicant proposes to use a two-bedroom unit within an existing 5,208 square foot building as a vacation dwelling unit. Up to 5 people will be allowed to stay in the unit. This is 1 of 4 applications for units within the same building.

Vacation dwelling units located in form districts are exempt from minimum night stays and parking, and there is no cap on number of permits issued.

Recommended Action: Staff recommends that Planning Commission recommend approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-5	Apartment building	Central Business Secondary
North	MU-B	Commercial	Central Business Secondary
South	F-5	Commercial	Central Business Secondary
East	F-5	Commercial	Central Business Secondary
West	MU-B	Parking	Central Business Secondary

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-5 zone district.

UDC Sec. 50-37.10.E . . . the Council shall only approve an interim use permit, or approve it with conditions, if it determines that:

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location;
2. The applicant agrees to sign a development agreement with the city for no more than



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Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #8 - Encourage mix of activities, uses, and densities.

- Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages
S9: Encourage expansion of the city's tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth.

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History: Building is 5,208 square feet in size and constructed in 1891. Structure is currently a two-story 8-unit apartment building.

Review and Discussion Items:

- 1) Applicant's property is located at 7 North 19th Avenue West. The proposed vacation dwelling unit contains 2 bedrooms, which would allow for a maximum of 5 guests. The property currently consists of an 8-unit apartment building with units on the 1st and 2nd floors.
- 2) Vacation dwelling units located in Form districts are exempt from number of interim use permits issued, minimum night stays and parking requirements.
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6) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Heirloom Property management at 202 East 1st Street to serve as the managing agent.

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8) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").

9) No comments from citizens, City staff, or any other entity were received regarding the application.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following

- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.

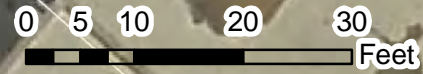


PL 20-189, 20-190, 20-191 & 20-192
Location Map

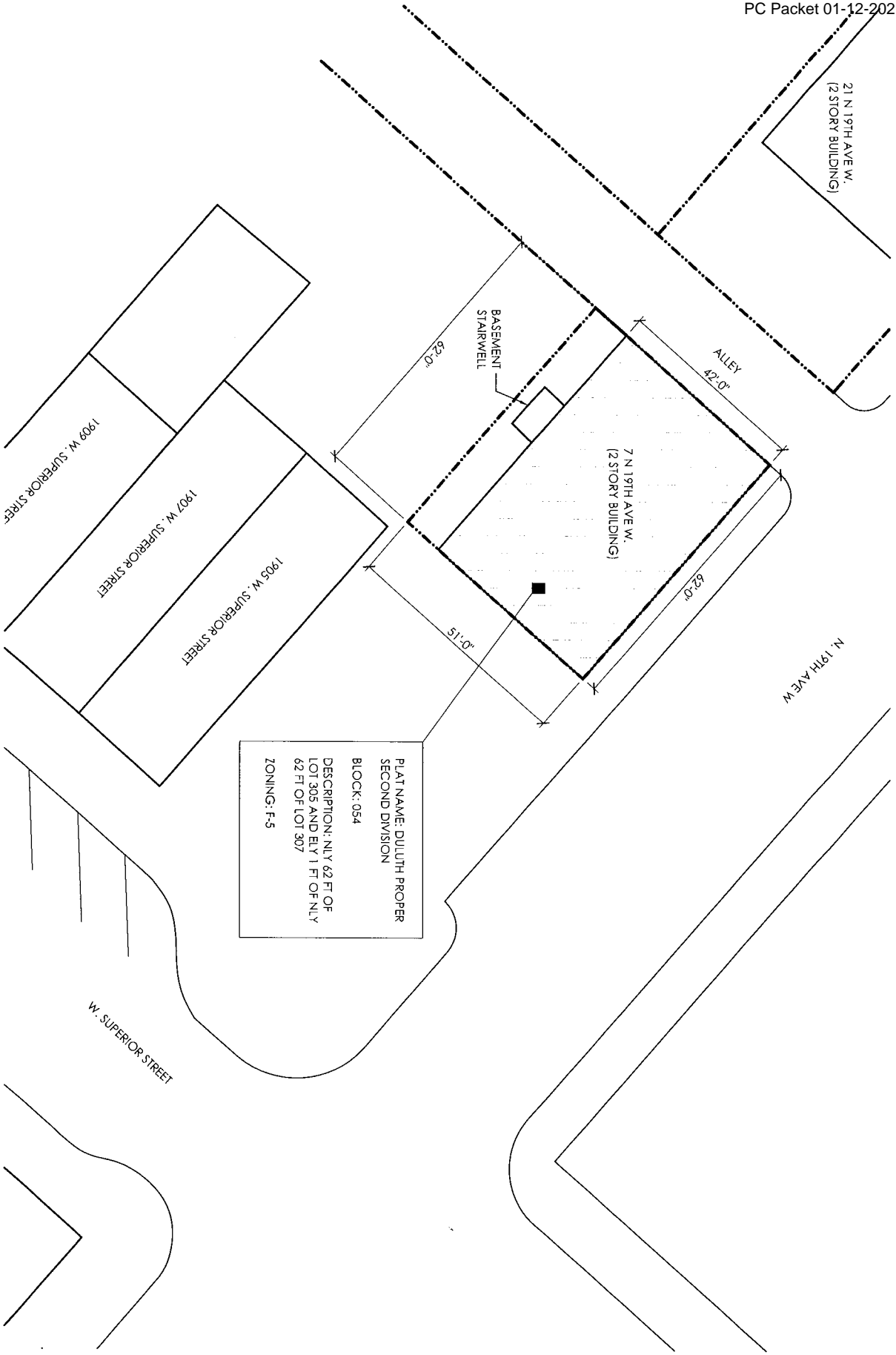
Legend

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1 SITE PLAN
1" = 20'-0"



PLAT NAME: DULUTH PROPER
SECOND DIVISION
BLOCK: 054
DESCRIPTION: NLY 62 FT OF
LOT 305 AND ELY 1 FT OF NLY
62 FT OF LOT 307
ZONING: F-5

SITE	REVISIONS	LINCOLN PARK TOWN HOMES REMODEL 7 N. 19TH AVE W, DULUTH, MN 55806	AROLA ARCHITECTURE 235 WEST PINE STREET - DULUTH, MINNESOTA 55802 218-740-5213 WWW.AROLAARCH.COM
	11/25/2020 2084 REVISIONS		

7 N 19th Avenue West

Write a description for your map.

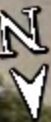
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PC Packet 01-12-2021

7 N 19th Ave W

Feature 1

Superior St





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Room 160
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 Duluth, Minnesota 55802

218-730-5580
 planning@duluthmn.gov

File Number	PL 20-190	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		January 12, 2021
Deadline for Action	Application Date	December 11, 2020	60 Days	February 9, 2020
	Date Extension Letter Mailed	December 16, 2020	120 Days	April 10, 2021
Location of Subject	7 North 19 th Avenue West Unit 2			
Applicant	Newcastle 8 LLC	Contact	Eric Gunderson & Mike Sevcik	
Agent		Contact		
Legal Description	PID # 010-1120-05350			
Site Visit Date	January 5, 2021	Sign Notice Date	December 29, 2020	
Neighbor Letter Date	December 30, 2020	Number of Letters Sent	38	

Proposal

Applicant proposes to use a two-bedroom unit within an existing 5,208 square foot building as a vacation dwelling unit. Up to 5 people will be allowed to stay in the unit. This is 1 of 4 identical applications for the same building.

Vacation dwelling units located in the F-5 (Mid-Rise Community Shopping and Office Form District) are exempt from minimum night stays and parking, and there is no cap on number of permits issued.

Recommended Action: Staff recommends that Planning Commission recommend approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-5	Apartment building	Central Business Secondary
North	MU-B	Commercial	Central Business Secondary
South	F-5	Commercial	Central Business Secondary
East	F-5	Commercial	Central Business Secondary
West	MU-B	Parking	Central Business Secondary

Summary of Code Requirements:

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2. The applicant agrees to sign a development agreement with the city for no more than



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Governing Principle #8 - Encourage mix of activities, uses, and densities.

- Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages
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History: Building is 5,208 square feet in size and constructed in 1891. Structure is currently a two-story 8-unit apartment building.

Review and Discussion Items:

- 1) Applicant's property is located at 7 North 19th Avenue West. The proposed vacation dwelling unit contains 2 bedrooms, which would allow for a maximum of 5 guests. The property currently consists of an 8-unit apartment building with units on the 1st and 2nd floors.
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8) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").

9) No comments from citizens, City staff, or any other entity were received regarding the application.

Staff Recommendation:

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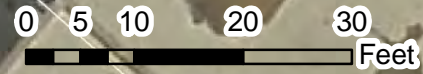
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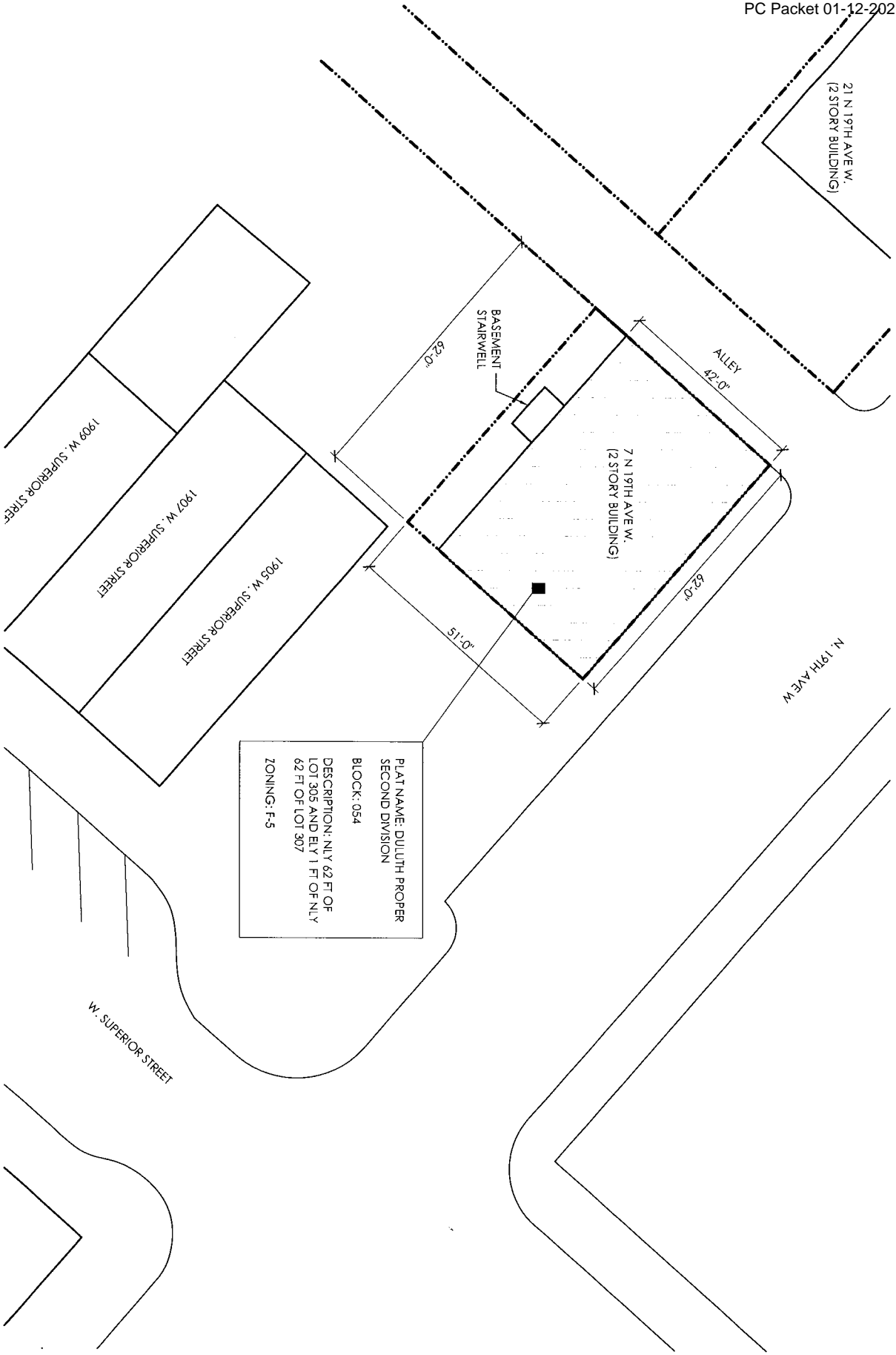
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SITE	REVISIONS	AROLA ARCHITECTURE 235 WEST PIPES STREET - DULUTH, MINNESOTA 55802 218-740-5213 WWW.AROLAARCH.COM
	NO. DATE	
	BY	
	DATE	
LINCOLN PARK TOWN HOMES REMODEL 7 N. 19TH AVE W, DULUTH, MN 55806		Page 35 of 78
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7 N 19th Avenue West

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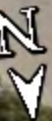
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PC Packet 01-12-2021

7 N 19th Ave W

Feature 1

Superior St





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 Duluth, Minnesota 55802

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File Number	PL 20-191	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		January 12, 2021
Deadline for Action	Application Date	December 11, 2020	60 Days	February 9, 2020
	Date Extension Letter Mailed	December 16, 2020	120 Days	April 10, 2021
Location of Subject	7 North 19 th Avenue West Unit 3			
Applicant	Newcastle 8 LLC	Contact	Eric Gunderson & Mike Sevcik	
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Legal Description	PID # 010-1120-05350			
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Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following:

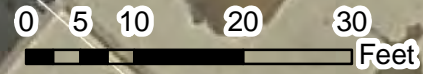
- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.



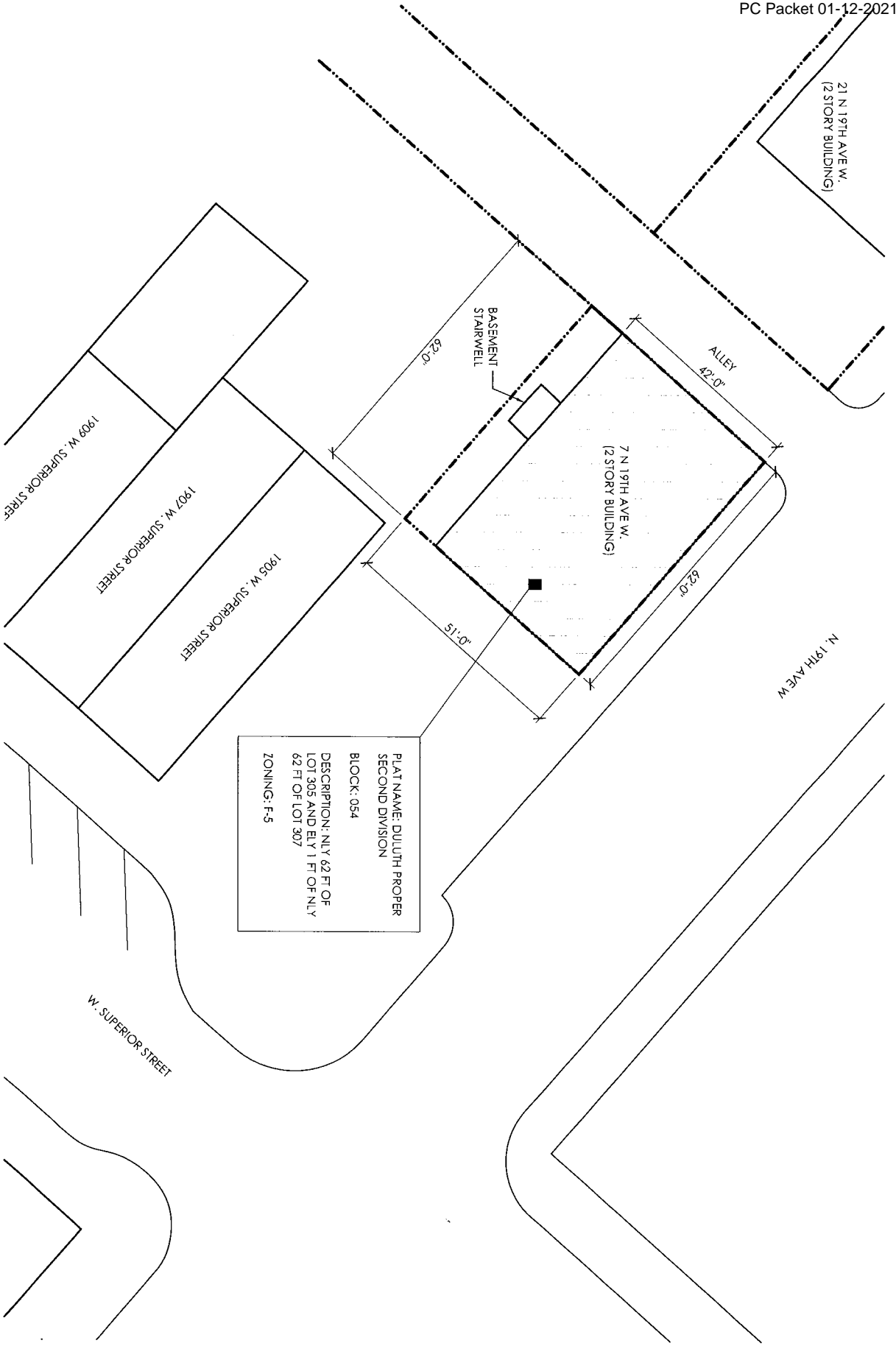
Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
 - CITY OF DULUTH
 - WLSSD; PRIVATE
 - Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Vacated ROW
- Easement Type
 - Utility Easement
 - Other Easement
- Zoning Boundaries
- Shoreland (UDC)
 - Cold Water
 - Natural Environment
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1 SITE PLAN
1" = 20'-0"



PLAT NAME: DULUTH PROPER
SECOND DIVISION
BLOCK: 054
DESCRIPTION: NLY 62 FT OF
LOT 305 AND ELY 1 FT OF NLY
62 FT OF LOT 307
ZONING: F-5

SITE	REVISIONS	LINCOLN PARK TOWN HOMES REMODEL 7 N. 19TH AVE W, DULUTH, MN 55806	AROLA ARCHITECTURE 235 WEST PIPES STREET - DULUTH, MINNESOTA 55802 218-746-5213 WWW.AROLAARCH.COM
	NO. DATE		
	BY DATE		
	APP. DATE		

7 N 19th Avenue West

Write a description for your map.

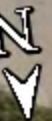
Legend

PC Packet 01-12-2021

7 N 19th Ave W

Feature 1

Superior St





Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 20-192	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	January 12, 2021	
Deadline for Action	Application Date	December 11, 2020	60 Days	February 9, 2020
	Date Extension Letter Mailed	December 16, 2020	120 Days	April 10, 2021
Location of Subject	7 North 19 th Avenue West Unit 4			
Applicant	Newcastle 8 LLC	Contact	Eric Gunderson & Mike Sevcik	
Agent		Contact		
Legal Description	PID # 010-1120-05350			
Site Visit Date	January 5, 2021	Sign Notice Date	December 29, 2020	
Neighbor Letter Date	December 30, 2020	Number of Letters Sent	38	

Proposal

Applicant proposes to use a two-bedroom unit within an existing 5,208 square foot building as a vacation dwelling unit. Up to 5 people will be allowed to stay in the unit. This is 1 of 4 identical applications for the same building.

Vacation dwelling units located in the F-5 (Mid-Rise Community Shopping and Office Form District) are exempt from minimum night stays and parking, and there is no cap on number of permits issued.

Recommended Action: Staff recommends that Planning Commission recommend approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-5	Apartment building	Central Business Secondary
North	MU-B	Commercial	Central Business Secondary
South	F-5	Commercial	Central Business Secondary
East	F-5	Commercial	Central Business Secondary
West	MU-B	Parking	Central Business Secondary

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-2 zone district.

UDC Sec. 50-37.10.E . . . the Council shall only approve an interim use permit, or approve it with conditions, if it determines that:

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location;
2. The applicant agrees to sign a development agreement with the city.



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60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units. Permits issued for vacation dwelling units or accessory vacation dwelling units in any form district shall not be counted against the maximum number of permits that may be issued, 4. Except for properties within the Higher Education Overlay District as identified in 50-18.5, the minimum rental period and off-street parking requirements of 50-20.3.U and 50-20.5.M shall not apply for vacation dwelling units or accessory vacation dwelling units in form districts,

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #8 - Encourage mix of activities, uses, and densities.

- Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages
S9: Encourage expansion of the city's tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth.

Applicant is proposing to provide another type of lodging product for visitors to the City of Duluth and surrounding area.

Future Land Use – Future Land Use – Central Business Secondary: An area adjacent to and supporting the central business primary area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary CB area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities.

History: Building is 5,208 square feet in size and constructed in 1891. Structure is currently a two-story 8-unit apartment building.

Review and Discussion Items:

- 1) Applicant's property is located at 7 North 19th Avenue West. The proposed vacation dwelling unit contains 2 bedrooms, which would allow for a maximum of 5 guests. The property currently consists of an 8-unit apartment building with units on the 1st and 2nd floors.
- 2) Vacation dwelling units located in Form districts are exempt from number of interim use permits issued, minimum night stays and parking requirements. There will not be any campers or trailers parked on the property.
- 3) There will not be any campers or trailers parked on the property.
- 4) The site does not have any outdoor amenities.
- 5) Vacation dwelling units located in form districts are exempt from onsite parking requirements. The applicant has stated that knowing they have dedicated parking is important to them, with street parking in front of the building being less of a sure thing. The applicant does have a preliminary agreement with a local business owner to lease up to 8 spots to ensure there is parking for their guests.



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6) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Heirloom Property management at 202 East 1st Street to serve as the managing agent.

7) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.

8) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").

9) No comments from citizens, City staff, or any other entity were received regarding the application.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following:

- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.

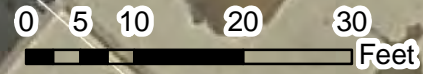


PL 20-189, 20-190, 20-191 & 20-192
Location Map

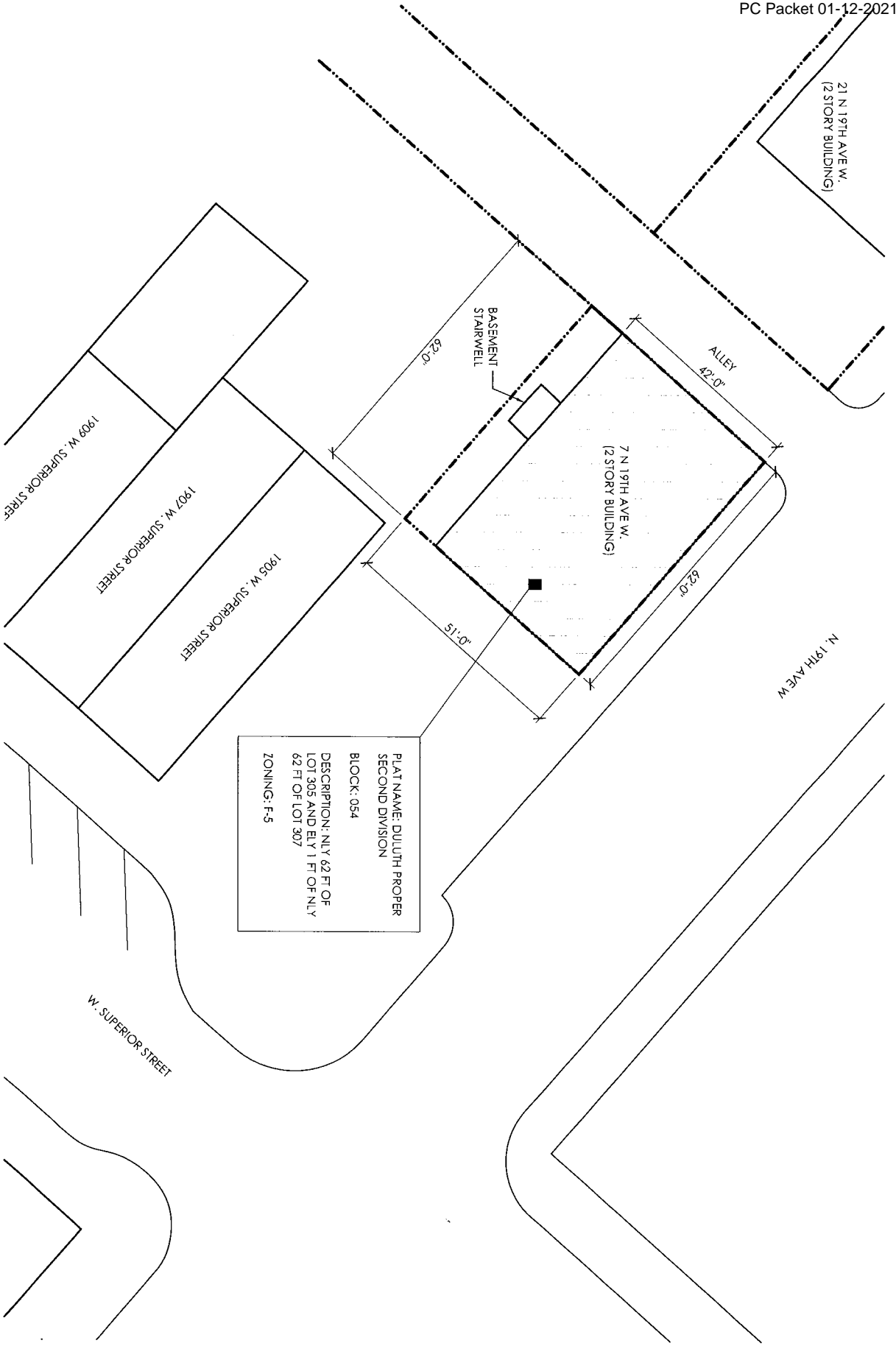
Legend

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1" = 20'-0"



PLAT NAME: DULUTH PROPER
SECOND DIVISION
BLOCK: 054
DESCRIPTION: NLY 62 FT OF
LOT 305 AND ELY 1 FT OF NLY
62 FT OF LOT 307
ZONING: F-5

SITE	REVISIONS	LINCOLN PARK TOWN HOMES REMODEL 7 N. 19TH AVE W, DULUTH, MN 55806	AROLA ARCHITECTURE 235 WEST PINE STREET - DULUTH, MINNESOTA 55802 218-746-5213 WWW.AROLAARCH.COM
	11/25/2020 2084 REVISION		

7 N 19th Avenue West

Write a description for your map.

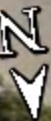
Legend

PC Packet 01-12-2021

7 N 19th Ave W

Feature 1

Superior St





Planning & Development Division
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 Duluth, Minnesota 55802

218-730-5580
 planning@duluthmn.gov

File Number	PL 20-194	Contact	Kyle Deming, kdeming@duluthmn.gov	
Type	Variance – parking	Planning Commission Date	January 12, 2021	
Deadline for Action	Application Date	December 9, 2020	60 Days	February 7, 2021
	Date Extension Letter Mailed	December 15, 2020	120 Days	April 8, 2021
Location of Subject	310 N. Ninth Ave. E (East Hillside)			
Applicant	Beverly Ricker	Contact		
Agent		Contact		
Legal Description	Southerly 30 feet of the northerly 65 feet of Lots 1, 2, and 3, Block 75 ½, Auditor’s Rearrangement of Part of Portland Division (010-3830-11160)			
Site Visit Date	December 15, 2020	Sign Notice Date	December 29, 2020	
Neighbor Letter Date	December 29, 2020	Number of Letters Sent	36	

Proposal

Convert an existing structure to a duplex while providing zero of the required one off-street parking space.

Recommended Action: Approve variance with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Dwelling	Neighborhood Mixed Use
North	MU-N	Two-Family Dwelling	Neighborhood Mixed Use
South	MU-N	Parking/undeveloped	Neighborhood Mixed Use
East	MU-N	Essentia annex	Neighborhood Mixed Use
West	MU-N	Two-Family Dwelling	Neighborhood Mixed Use

Summary of Code Requirements

Table 50-24-1 – Off-Street Parking Spaces Required – 1 space per dwelling unit.

Sec. 50-24.3.A.1 – Adjustment to Required Off-Street Parking – Proximity to Transit – The minimum number of off-street parking spaces may be reduced by 30% if they are located within ¼ mile of transit services.

Sec. 50-24.5.B – Calculation of Parking Spaces – Requirements for a fraction of a parking space shall be ignored.

Sec. 50-37.9.C – General Variance Criteria (paraphrased): Granting of variances of any kind is limited to situations where, due to characteristics of the applicant’s property, enforcement of the ordinance would cause the landowner exceptional practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That the landowner is proposing to use the property in a reasonable manner, b) that the need for relief for from the ordinance

regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan. PC Packet 01.12.2021

Comprehensive Plan Governing Principles and/or Policies and Current History (if applicable):

Governing Principle #5 – Promote reinvestment in neighborhoods.

Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods

Zoning – Mixed Use-Neighborhood (MU-N): established to accommodate a mix of neighborhood-scale, neighborhood-serving non-residential uses and a range of residential uses located in close proximity. Accommodates both horizontal (uses located in separate structures) and vertical (uses located in the same building) types of mixed use. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood, as shown in Table 50-19.8;

Some Non-Dwelling Permitted Uses in MU-N: Medical/dental clinic, office, day care, personal services/repair, retail store.

Future Land Use – Neighborhood Mixed Use - A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets. Site design should maintain a largely residential building character. Commercial-only uses should be adjacent to non-residential or other mixed-use areas.

Review and Discussion Items

Staff finds that:

- 1) The applicant’s 1,470 sq. ft. structure was constructed in 1886. It is currently configured with an 840 sq. ft. one-bedroom dwelling unit on the main level and a 630 sq. ft. two-bedroom dwelling unit on the upper level. There is a single entrance from the front porch with a vestibule and doors that separate the two units. These doors have been in place for many years and locks on the doors are the primary means for separating the two dwelling units. Each dwelling also has a rear exit with stairs to the ground. When the property was purchased in 2016 the former owner lived in the lower unit and rented the upper unit, though without a rental license.
- 2) Table 50-24-1 requires one parking space per dwelling unit. Due to the presence of transit on Fourth Street, required parking can be reduced by 30% (70% of 2 spaces = 1.4 spaces). The rules for calculating parking spaces says to ignore requirements for a fraction of a parking space, resulting in one parking space required for a two-dwelling structure.
- 3) The applicant is proposing to use the property in a reasonable manner since the home has been configured as a duplex with a single set of doors that can be locked as the primary means of separating the dwelling units.
- 4) The applicant is attempting to use the property in the way she understood it to be configured at the time of purchase, but is finding a practical difficulty in providing the off-street parking due to lot size and configuration.
- 5) The property is 30 feet wide by 75 feet deep (2,250 sq. ft). The dwelling is 18 feet wide at the front of the property. The building is positioned on the lot with approximately 5 feet to the south side and 7 feet to the north side. Neither side yard is wide enough to permit vehicle parking.
- 6) There is no official City-maintained alley to the rear of the property. However, there is a paved driveway that connects the City alley to Third Street that is used by the adjacent property owners for access to their properties. The applicant reports that the manager of the property to the rear of her property has given verbal permission for them use the space for parking two vehicles and storage of trash/recycling bins. This agreement has been in place for the four years the applicant has owned the property without problems.
- 7) The applicant has attempted to acquire land to the rear of her property for off-street parking space but reports that, after trying through a real estate agent for six weeks, the landowner has refused to communicate with them about a potential property purchase or lease.

8. The special circumstances creating the need for the variance are a result of the historic use of the structure as a duplex as well as its apparent relationship to the former church next door. The land to the rear of the applicant's property is attached to the former church's property assumedly because they were owned by the same party making off-street parking off the de facto alley possible (the property abstract shows the church owning both properties in 1892). Since the properties are now owned separately, and since the former church property owner will not consider formalizing the parking arrangement, the applicant's circumstances are unique and eligible for consideration of a variance.
9. The variance, if granted, would not alter the essential character of the area as there are two other dwellings on the block that do not have off-street parking (a one-dwelling and a two-dwelling structure). The rest of the structures on the block are two-dwelling structures with off-street parking, which makes the applicant's proposed duplex use consistent.
10. The variance, if granted, is not expected to impair established property values as the property has been historically used like a two-dwelling structure. Granting the variance will allow the applicant to obtain a rental license and make further improvements to the property as well as providing needed affordable rental units to the community.
11. The health, safety, and public welfare are not expected to be effected by the granting of the variances. Obtaining a rental license will require the structure be consistent with safety codes, reducing the potential for danger to the public. Additionally, the applicant reports that, in her experience living at the property for a two-month period, on-street parking was adequate in the hours outside those of the St. Luke's Hospital and Clinic day shift. Aerial photography and street view images from multiple years shows a high variability in the usage of on-street parking which supports the applicant's premise that evening and overnight on-street parking is available in this block.
12. Granting the variance will not impact the provision of light and air to surrounding properties as there would be no change to the structure's exterior.
13. The variance, if granted, would not impair the intent of the UDC expressed in Sec. 50-2, specifically enhancing the visual and aesthetic character, diversity, and interest of the city as reinvestment in the structure will provide additional needed affordable housing units to diversify the city's housing stock. Additionally, it is consistent with other uses allowed in an MN-N district, such as an office or retail store less than 10,000 sq. ft. would not be required to provide any off-street parking.
14. The variance is consistent with the Comprehensive Plan designation of the property as Neighborhood Mixed Use and housing policy that seeks to foster opportunities for reinvestment in housing, especially affordable housing units.
15. No additional landscaping is recommended as mitigation for the reduced setback per Sec. 50-37.9.H since landscaping is not required for two-dwelling structures.
16. From Michelle Warner, Lead Housing Inspector, City of Duluth Life Safety Division, - "We have no comment. We will process the license if she is awarded the variance and deal with parking or the lack of parking as per 29A." No other comments from citizens, City staff, or any other entity were received regarding the application.
17. Per UDC Section 50-37.1.N. approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

Staff Recommendation

Based on the above findings, staff recommends that Planning Commission adopt the findings of fact in the staff report and approve the Variance with the following conditions:

- 1) The project be limited to the existing 1,470 sq. ft. structure with no additional area added to the structure.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL 20-194
310 N. 9th Ave. E.
Parking Variance

PC Packet 01-12-2021

P-1 (Park)


**R-1
(Residential
Traditional)**

**F-6 (Mid-Rise
Neighborhood
Shopping)**

**MU-N (Mixed Use
Neighborhood)**

**MU-I (Mixed Use
Institutional)**

**R-2
(Residential
Urban)**

Legend
 Zoning Boundaries

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Aerial photography flown 2019





PL 20-194
 310 N. 9th Ave. E.
 Parking Variance
 2019 Aerial Photo

PC Packet 01-12-2021



Legend

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Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, December 15, 2020. Source: City of Duluth.



Google Maps 314 N 9th Ave E

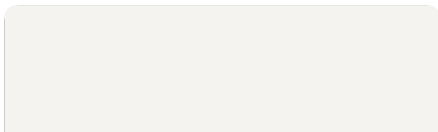


Image capture: Sep 2019 © 2020 Google

Duluth, Minnesota



Street View



Google Maps 915 E 3rd St

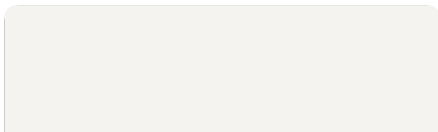


Image capture: Aug 2019 © 2020 Google

Duluth, Minnesota



Street View



Kyle Deming

From: BEVERLY RICKER <bevricker@aol.com>
Sent: Monday, December 14, 2020 2:06 PM
To: Kyle Deming
Subject: Fwd: 310

Sending you my app to be sure you have it all

Sent from AOL Mobile Mail
 Get the new AOL app: mail.mobile.aol.com

On Sunday, December 6, 2020, jmoses@DuluthMN.gov <jmoses@DuluthMN.gov> wrote:

Cover letter

I am trying to reconvert 310 N 9th Ave E back to a duplex.

Some Background:

This house began life in the 1890's as a duplex which also served as the parsonage for the church which occupied the lot on the lakeside of the house.

At some time the properties were deeded separately and the back of 310's lot was tacked on to the church property.

In 1992 the property was changed to a single family property. There was no physical change to the property all the separations were maintained. Some time later the electric was put on one meter.

On 12/8/2016 I purchased the property for my son to live in while he did upgrades to the property. Unfortunately that did not go as planned and he is now in rehab. I had planned for this property to provide rental income.

When I purchased the property it had the owner and a renter living there. We wanted possession sooner than the tenant could locate help moving to her assisted living arrangement. We provided the muscle to move her so I know the property was serving as a duplex.

Since mid summer I have learned a lot about how hard it can be when you decide that you want to play by the rules. I applied for a rental license for the house as a duplex (which I thought it was). At that time I was told I needed a change of use to be able to rent two units.

Armella explained how I would need to separate the heating systems. I got estimates and decided to go with mini splits and blocking off the duct work to the upstairs. She told me that I should have no problem with the change of use application.

I submitted the application, the fee and my plan to obtain the change of use and then do the HVAC changes and the electrical upgrade and separation.

I was then notified that my lot was too small for a single family house let alone a duplex.

I have previously tried to buy back the back of the lot from Omar who now owns the property. He does not return phone calls so I engaged Messina realty to work on this purchase. They were unable to contact him after leaving numerous messages with others at his house. They gave up after six weeks.

My son had obtained verbal permission to place garbage pails and two cars on the back lot from a relative of Omar who was managing the rental of parking spots at the abandoned church. For the four years we have owned the house we have had free use of the backlot.

I am now in quite a bind as the lot size and as a result of the lot size a lack of official parking is going to require a variance and fee, after a change of use fee and a rental license fee. Also someone issued the HVAC permit even though the change of use was not

yet granted. As a result of that error I have \$9500 of HVAC not connected to electricity and of no use if the change of use is not granted.

Winter has fully arrived and I live 115 miles from the house. I worry a lot about frozen pipes it is after all a 130 year old house. The house was broken into and vandalized in August, I am still working to settle that claim even though I have made the repairs.

In my Pre application phone conference there were several ideas presented that don't seem to make a lot of sense.

Renting off site parking seems unreasonable when we have de facto parking.

Purchasing the lot would be ideal but how do you do business with someone who does not communicate?

There is actually only a daytime parking problem on this block. When the St. Luke's day shift goes home there is plenty of parking. And our cars have not been on the street anyway.

I lived in the house for 59 days in 2017 while my husband was in St. Mary's neuro trauma unit. I did not ever see any nighttime parking problem.

It was suggested that I talk to all the neighbors and get their approval. They are all renters, not homeowners. The house has always been functioning as a duplex until I bought it in 2016. I'm pretty sure the neighborhood sees it as a duplex.

I am not able to door knock in the neighborhood unless I bring my husband in his wheelchair and in this pandemic and in the Duluth winter that seems unwise.

In summary I am trying to provide two units of low to moderate income housing for what I understand to be a tight market. I am also trying to make enough money to be able to improve the property and make a bit of a profit. I had hoped to have the property ready to rent legally before winter. We are now talking about January or later.

I hope you can understand that the lot size is not something that I can change and it is the result of historical decisions that I had no control over.

Beverly Ricker, MD



Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

Date: January 4, 2021
 To: Planning Commission
 From: Steven Robertson, Senior Planner
 RE: Work Session on Proposed UDC Text Amendments for Consideration

Work has continued by the Planning Commission to consider possible changes to amend the Unified Development Chapter to reflect the policies and strategies adopted in Imagine Duluth 2035 Comprehensive Plan. At the January 12, 2021, Planning Commission meeting, time has been set aside for a work session to allow for discussion between Planning Commissioners on future text changes regarding several current issues. Staff have included recommendations to provide framework for the discussion.

During 2020, the Planning Commission discussed text changes related to vacation dwelling units (Planning File 20-16-0. Not all recommended language was adopted by the City Council into ordinance). Toward the end of the year, several additional minor text changes were also adopted by the City Council (20-057-O and 20-58-O, sidewalk and drive-through circulation, solar facilities, Land Use Supervisor interpretation process, form district, administrative details for vacations and concurrent use permits). Staff recommendations regarding the creation of a new land use designation for “Sober Houses” and clarification for new medical uses at the Miller Hill Mall were tabled to allow for more time for discussion due to the changes to meeting processes arising from Covid-19.

Vacation Rental Dwelling Units

In early 2020, the Planning Commission’s recommendation to the City Council on vacation dwellings was, in part, to increase the number of allowed permits (excluding those in form districts) from 60 to 100. At the April 13, 2020, City Council meeting, that portion of the proposed text changes (20-16-OB, included with this memo), was tabled by the City Council and referred back to administration. At the Council meeting, some of the discussion included the comments that “this needs more extensive community discussion....broader discussion....another look at the raising the cap but with including more citizen input on this issue.” In addition to the discussion on raising the cap at the City Council meeting, there was also discussion at previous Planning Commission meetings on the potential impact on affordable housing and the decreasing number of owner occupied vacation dwelling units (one of the initial reasons behind supporting vacation dwelling units was to allow the resident homeowner the ability to occasionally raise extra funds to pay off their mortgage or provide for general maintenance of their home).

Planning staff recommend further discussion on this topic, specifically related to the possibility of increasing the cap and discussion on the potential need for additional restrictions or limitations on new dwelling units (density limits, proximity limits, limits on max number of guests regardless of the size of the home, etc).

Sober House Regulations

At the March 10, 2020, Planning Commission meeting, staff suggested changes related to sober houses and medical uses (both the draft ordinance and the minutes from the meeting are included with this memo). The item was tabled to allow more time to consider this topic and to conduct a broader public input process.

Planning Staff recommend further discussion of this topic, as it continues to be a relevant issue for the community. Establishing clearer parameters and appropriate standards for this use as well as clarifying some of the standards or definitions for other medical uses to ensure current regulations address any community priorities or potential land use conflicts.

Self Storage and Mini Storage.

The UDC directs new mini storage facilities to be located in the MU-B, I-G, and I-W zone districts. While these units provide a service to the community, they typically are land intensive, create significant stormwater runoff, often consume undeveloped greenfield sites, and do not create new economic impact in the community as would uses such as restaurants, retailers, manufacturers, and other job-oriented businesses.

Recently the city has had requests to allow this use in the MU-C district, mostly in the context of reuse of existing but empty big box retailers. Some communities allow this type of use in their commercial corridors, but with design standards, such as a portion of the front facing ground floor must be active commercial use and that only the rear 75% or less of the structure can be devoted to storage, with access in the rear of the structure. Planning Staff are recommending discussion on this topic.

Signage

Several minor corrections to the signage section of the UDC have been identified, including policy changes such as slightly relaxing standards on hanging/projecting signage and the size of monument signs. There has been an intent to clarify standards related to off-site commercial signage at DTA bus shelters. The idea being that well designed commercial signage would not distract motorists or pedestrians passing by the area, but would provide additional revenue to allow for the maintenance and expansion of bus shelters, which are seen as a boon to transit ridership.



Legislation Details (With Text)

File #: 20-016-O (B) **Name:**

Type: Ordinance **Status:** Withdrawn

File created: 4/14/2020 **In control:** Planning and Economic Development

On agenda: 4/13/2020 **Final action:** 4/13/2020

Title: AN ORDINANCE AMENDING SECTIONS 50-20.5.G 8, AND 50-37.10.E, TO AMEND STANDARDS RELATED TO ACCESSORY HOME SHARES AND TO INCREASE THE NUMBER OF ALLOWABLE VACATION RENTAL PERMITS

Sponsors:

Indexes:

Code sections:

Attachments: 1. 20-016-O (Original Copy)

Date	Ver.	Action By	Action	Result
4/13/2020	1	City Council	withdrawn	

AN ORDINANCE AMENDING SECTIONS 50-20.5.G 8, AND 50-37.10.E, TO AMEND STANDARDS RELATED TO ACCESSORY HOME SHARES AND TO INCREASE THE NUMBER OF ALLOWABLE VACATION RENTAL PERMITS

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-20.5.G. of the Duluth City Code, 1959, as amended, be amended as follows:

50-20.5.G. Accessory Home Share

An accessory home share may be created within those districts shown where allowed by Table 50.19.8 provided these standards are met.

1. The rental or purchase period shall be for 29 days or less;
2. The maximum number of overnight guests allowed is 4 persons in addition to the owner occupants;
3. The property owner must obtain any and all other licenses and permits from the city of Duluth and state of Minnesota required for guest occupancy on the property.
4. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual related to the keeping of a guest record, property use rules, taxation, and home share permit violations procedures;
5. The permit shall expire upon change in ownership of the property or one year from issuance date, whichever occurs first.
6. At least one permanent resident must be generally present on or about the premises at all times that the property is rented;
7. A permit holder may not advertise an accessory home share for an accessory structure that is a storage shed or garage.
8. A permit holder may not advertise an accessory home share in any area exterior to the dwelling unit or any lot without a principle dwelling. One accessory home share permit may be issued to a property owner of a dwelling that is within a twin home, duplex, or attached accessory dwelling unit, or detached accessory

dwelling unit if within 50 feet of the principle dwelling, if the property owner is occupying the property as their exclusive abode at all times that the twin home, duplex, or accessory dwelling unit is rented.

Section 2. That Section 50-37.10.E of the Duluth City Code, 1959, as amended, be amended as follows:

50-37.10.E Criteria for interim use permits.

In addition to the criteria in subsection C above, the council shall only approve an interim use permit, or approve it with conditions, if it determines that:

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location or to allow the city time to develop a regulation addressing the potential longer term impacts of the requested use in that location;
2. The applicant agrees to sign a development agreement with the city confirming that (a) approval of the permit will not result in increased costs to the city if the property is later acquired by the city through eminent domain; (b) the use will be terminated at the applicant's expense on the date(s) stated in the permit, (c) the termination of the interim use as stated in the permit will create no rights to a nonconforming use and no rights to compensation for termination of the use or for the value of any structures or improvements related to the use, and (d) the applicant agrees to all conditions imposed by the city. No interim use permit shall be issued until a development agreement confirming these points is executed.
3. No more than 60 100 permits may be issued for either vacation dwelling units or accessory vacation dwelling units. Permits issued for vacation dwelling units or accessory vacation dwelling units in any form district shall not be counted against the maximum number of permits that may be issued. On February 1 of each year, the maximum number of allowable permits that may be issued shall increase by 10%, or by 10% of the number of new dwelling units created in Duluth the previous year, whichever is less. The maximum number of allowable permits that may be issued may not exceed 175 permits.
4. Except for properties within the the Higher Education Overlay District as identified in 50- 18.5, the minimum rental period and off-street parking requirements of 50-20.3.U and 50-20.5.M shall not apply for vacation dwelling units or accessory vacation dwelling units in form districts.

Section 3. That this ordinance shall take effect 30 days after its passage and publication

STATEMENT OF PURPOSE: This ordinance implements text amendment related to vacation rental dwellings regulated by chapter 50 of the City Code, known as the Unified Development Chapter (UDC).

The ordinance also increases the number of allowed vacation permits from 60 to 100, with a limited annual escalator clause. The planning commission included an overall cap of 175 total permits.

The ordinance also extends the accessory home share permit length from one year to three years, to better align with the three year duration of typical rental permits from Duluth Life Safety. In addition the amendment proposes to change the language to allow owners of twin homes, duplexes, or single-family homes with accessory dwelling units to rent their additional dwelling under a home share permit. The current standards for home share permits would not allow this, since the rule is explicit that the property owner must be present within the specific single family dwelling while rented.

The planning commission held a public hearing at their February 11, 2020, regular meeting. Following discussion and additional amendments to the proposed text change by members of the planning commission, the commission voted with 5 yeas, 2 nays, and 0 abstentions, to recommend that the city council approve the text change to the Unified Development Chapter of the City Code.

..Title

AN ORDINANCE AMENDING SECTIONS 50-20.1, 50-20.2, 50-24.2, AND 50-41 RELATED TO MEDICAL USES, SOBER HOUSES, AND RESIDENTIAL CARE FACILITIES

..Body

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-20.1 of the Duluth City Code, 1959, as amended, be amended as follows:

A. Dwelling, two-family.

In the R-1, R-2 and R-P districts, two-family dwellings shall be designed to protect and reflect the character of one-family residences as set forth below:

1. No exterior stairway with a total vertical rise greater than five feet shall be permitted;
2. In the R-1 and R-2 districts, each unit in a two family dwelling must have a separate exterior entrance on the facade facing the front property line;

B. Dwelling, townhouse.

In the R-1 and R-2 districts, each dwelling shall exhibit the characteristics of a series of one-family dwellings that are arranged in an attached side by side fashion and shall be designed to protect the character of one-family residences as set forth below:

1. Dwelling fronting street. Townhouse dwellings shall be located on lots in such a way that each individual dwelling unit has a minimum of 20 feet of street frontage in the R-1 district, and a minimum of 15 feet of street frontage in the R-2 district;
2. Variation of exterior walls. No more than two adjacent townhouse units may have front facades in the same vertical plane. Where a variation in front façade plane is required, the variation shall be a minimum of three feet;
3. Landscaping. Prior to the occupancy and use of a townhouse dwelling, coniferous or evergreen trees meeting the minimum size requirements of Section 50-25.2 shall be planted in required front and back yard areas on an average spacing of 20 feet;
4. Screening of refuse areas. Where refuse storage areas are directly viewable from any exterior lot line at a height of six feet above grade, they shall be screened by wood, brick, or stone fences, or by vegetative materials, with a minimum height of six feet, designed so that at least 75 percent of the refuse area is obscured by opaque materials when viewed at an angle perpendicular to the screening materials;
5. Maximum number of units. In the R-1 district, townhomes constructed on the corners of blocks or adjacent to the intersections of two or more public or private road may have up to eight dwelling units, but townhomes constructed in the middle of a subdivision block may have no more than six dwelling units. In all other zone districts, townhomes may not exceed eight dwelling units;
6. Separate entrances. Each unit in a townhome must have a separate exterior entrance on the facade facing the front yard property line, or front side yard property line;
7. Design features. At least three of the following design features shall be provided for visual relief along all facades of each townhome structure:
 - (a) Roof dormers;

- (b) Gables;
- (c) Recessed entries;
- (d) Covered porches;
- (e) Cupolas;
- (f) Pillars, pilasters or posts;
- (g) Bay windows;
- (h) Eaves of at least 12 inches beyond the building wall or a parapet wall with an articulated design (decorative cornice, etc.);
- (i) Multiple windows with minimum four inches trim;
- (j) Recesses/shadow lines;

C. Dwelling, multi-family.

In the F-2, F-4, F-5 and F-8 districts, this use is permitted on the ground floor of the corridor building type only. In other building types it is only permitted above the ground floor;

D. Residential care facility/assisted living.

1 In the F-2, F-4, F-5, F-8, and F-9 districts, this use is permitted on the ground floor of the corridor building type only. In other building types it is only permitted above the ground floor.

2 Residential care facilities must show compliance with Mn State Statute 245A.11, Special Conditions for Residential Programs, Subd 4 Location of Residential Programs.

E. Rooming house.

In the F-2, F-4, F-5 and F-8 districts, this use is permitted on the ground floor of the corridor building type only. In other building types it is only permitted above the ground floor;

F. Manufactured home park.

1. New manufactured home parks, expansions to existing manufactured home parks, and new or replacement of manufactured home units on lots of record are prohibited in the floodway district. If allowed in the flood fringe district, these uses shall be subject to the requirements of Section 50-18.1 of this Chapter and the following standards;
2. Existing, new and replacement manufactured homes in the flood fringe district must comply with the following standards:
 - (a) All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state anchoring requirements for resisting wind forces;
 - (b) New or replacement manufactured homes in existing manufactured home parks must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, unless the property owner has a flood warning and emergency evacuation plan acceptable to the city council as specified in Section 50-18.1.

G. Cottage home park.

1. Development standards. All dwelling units within a cottage home park shall be subject to setback, height, off-street parking, and other regulations appropriate for one-family dwellings in the applicable zone district that the cottage home park is located, except as provided within this section;
2. Minimum lot area and lot frontage. Dwelling units shall meet the minimum lot area and lot frontage requirement for multi-family, townhome, or two family developments of the applicable zone district that the home park is located, whichever is smaller or least;
3. Principal entrance. Each dwelling unit shall have a principal entrance facing the front lot line. Exceptions to the requirement of a dwelling unit having a principal entrance facing the front property line may be made by the Land Use Supervisor, but only if the unit has a porch or deck on the front façade and the primary entrance is within 10 feet of the front façade;

4. Common open space or amenity area. Cottage housing developments shall provide common open space or an amenity area which is centrally located, equally accessible from, and at the disposition of all dwelling units;
5. Connectivity and access. Sidewalks or multi-use paths must be provided to ensure pedestrian access from each individual dwelling unit to the front property line or public street;
6. Subdivision. Approval of a cottage home park does not negate to the need for subdivision review and approval, where applicable.
7. Utility Connections. Cottage home parks must provide separate sewer and water services for each dwelling unit as required by the city engineer.

H. Sober House

1. In the F-2, F-4, F-5, F-8, and F-9 districts, this use is a permitted use on the ground floor of the corridor building type only. In other building types it is a permitted use only above the ground floor.
2. A sober house with six or fewer residents may be allowed in the R-1 district with a special use permit.
3. Any use permitted under this Subsection H shall be required to meet the landscaping requirements of Section 50-25.5.A..

Section 2. That Section 50-20.2 of the Duluth City Code, 1959, as amended, be amended as follows:

50-20.2 Public, institutional and civic uses.

A. Club or lodge (private).

1. In the P-1 and R-2 district, the club or lodge shall be operated by a not-for-profit civic, cultural or educational organization, and the primary activity cannot be any service that is customarily carried on as a business;
2. In the RR-1 district, any such buildings shall occupy not more than ten percent of the total area of the lot and shall be set back from all yard lines a distance of not less than two feet for each foot of building height;
3. In the RR-1, RR-2 and R-1 zone districts, the sum of all structures on the lot shall be not more than 50,000 square feet;
4. In the R-1 and R-2 zone districts, each property boundary with a lot occupied by a residential use shall be buffered with a dense urban screen;

B. Medical cannabis distribution facility.

1. An interim use permit shall be required to operate a medical cannabis distribution facility. The maximum length of an interim use permit shall be three years. Interim use permits granted pursuant to this section are not transferable and terminate upon sale of the facility or discontinuance of use;
2. In addition to the interim use permit requirements provided for under state law and Section 50-37 of the UDC, an applicant seeking to operate a medical cannabis distribution facility must submit a security plan stating how the facility will address public health, welfare and safety concerns including, but not limited to: parking, traffic flow, security, fencing, lighting, window and door placement, landscaping, and hours of operation;
3. The distance limitations on location of a medical cannabis distribution facility in relation to a public or private school provided for under Minn. Stat. § 152.29, as may be amended, are incorporated herein. A medical cannabis distribution facility shall not be closer than 1,500 feet of a zoning district that allows single family, two-family, townhomes, or multi-family dwellings as a permitted use at a density of greater than one unit per five acres;
4. A medical cannabis distribution facility shall be setback from all property lines a minimum of 25 feet;
5. Medical cannabis distribution facilities are prohibited from operating drive-throughs;
6. Parking, design standards, and other applicable requirements under the unified development chapter for this use will be the same as for other medical or dental clinics;

C. Medical cannabis laboratory.

1. An interim use permit shall be required to operate a medical cannabis laboratory. The maximum length of an interim use permit shall be three years. Interim use permits granted pursuant to this section are not transferable and terminate upon sale of the facility or discontinuance of use;
2. In addition to the interim use permit requirements provided for under state law and Section 50-37 of the UDC, an applicant seeking to operate a medical cannabis laboratory must submit a security plan stating how the facility will address public health, welfare and safety concerns including, but not limited to: parking, traffic flow, security, fencing, lighting, window and door placement, landscaping, and hours of operation;
3. A medical cannabis laboratory shall be setback from all property lines a minimum of 25 feet;
4. Parking, design standards, and other applicable requirements under the unified development chapter for this use will be the same as for other medical or dental clinics;

D. Medical cannabis manufacturer.

1. An interim use permit shall be required to operate a medical cannabis manufacturing facility. The maximum length of an interim use permit shall be three years. Interim use permits granted pursuant to this section are not transferable and terminate upon sale of the facility or discontinuance of use;
2. In addition to the interim use permit requirements provided for under state law and Section 50-37 of the UDC, an applicant seeking to operate a medical cannabis distribution facility must submit a security plan stating how the facility will address public health, welfare and safety concerns including, but not limited to: parking, traffic flow, security, fencing, lighting, window and door placement, landscaping, hours of operation, and odor produced by the manufacturing process;
3. The distance limitations on location of a medical cannabis manufacturing facility in relation to a public or private school provided for under Minn. Stat. § 152.29, as may be amended, are incorporated herein. A medical cannabis manufacturer shall not be closer than 1,500 feet of a zoning district that allows single family, two-family, townhomes, or multi-family dwellings as a permitted use at a density of greater than one unit per five acres;
4. A medical cannabis manufacturing facility shall be setback from all property lines a minimum of 50 feet;
5. No odor produced by a medical cannabis manufacturing facility shall be detectable at the manufacturer's property lines surrounding the facility;
6. Parking, design standards, and other applicable requirements under the Unified Development Chapter for this use will be the same as for other medical or dental clinics;

E. Medical or dental clinic.

1. In the residential districts, the clinic shall occupy 10,000 square feet or less in total floor area;
2. In the MU-N district, the clinic shall occupy 20,000 square feet or less in total floor area;

F. Religious assembly.

1. In the RR-1 district, any such buildings shall occupy not more than ten percent of the total area of the lot and shall be set back from all yard lines a distance of not less than two feet for each foot of building height;
2. In the RR-1, RR-2 and R-2 zone districts, the sum of all structures on the lot shall not exceed 50,000 square feet without a special use permit. A special use permit is required for all religious assemblies in the R-1 zone districts;
3. In the R-1 and R-2 zone districts, each property boundary with a lot occupied by a residential use shall be buffered with a dense urban screen;

G. School, elementary, middle or high.

1. In the RR-1, RR-2 and R-1 districts, the school shall have a curriculum similar to that ordinarily given in public schools and having no rooms regularly used for housing or sleeping purposes, except staff quarters, when located on the premises for the school;
2. In the RR-1, RR-2, R-1, R-2, MU-N and MU-C districts, any such building shall be located not less than 40 feet from any side or rear lot line;
3. Notwithstanding any lower maximum height stated in Article II, in all zone districts except the form districts, the maximum height for this use shall be 45 feet.
4. Schools shall provide sufficient off-street student drop-off and pick up areas so as to not pose a safety or traffic hazard to pedestrian or vehicles;
5. New schools, and existing schools that are remodeled or expanded where the value of improvements is greater than 50% of the assessed value of the existing structure(s), shall incorporate Safe Routes to School Infrastructure. This shall include safe and comfortable pedestrian and bicycle transportation to and from the nearest residential neighborhood.

H Medical Ambulatory Care Facility

In order to ensure that Medical Ambulatory Care Facilities are planned and constructed to promote the safety of customers and the general public, as well as to minimize land use conflicts, uses allowed under this section shall meet one of the following two provisions.

1. As part of a construction project, demonstrate how the development or redevelopment will address:
 - A. traffic circulation and access management,
 - B. transit facilities,
 - C. on-site pedestrian circulation and pedestrian access to the site from external locations,
 - D. total number and location of parking spaces that will be used to serve this use,
 - E. lighting plan,
 - F. landscape plan, and
 - G. waste removal, including medical or hazardous waste.

2. A site plan, approved by the Planning Commission at a public meeting, addressing the items below. Any such approval of a site plan shall provide detailed sequencing as to how the improvements will proceed, which shall occur over period not to exceed 5 years and may be phased.
 - A. traffic circulation and access management,
 - B. transit facilities,
 - C. on-site pedestrian circulation and pedestrian access to the site from external locations,
 - D. total number and location of parking spaces that will be used to serve this use,
 - E. lighting plan,
 - F. landscape plan, and
 - G. waste removal, including medical or hazardous waste.

Section 3. That Section 50-24.2 of the Duluth City Code, 1959, as amended, be amended as follows:

50-24.2 Required parking spaces.

In all districts there shall be provided, at the time any building or structure is erected, except as provided in Section 50-24.5, *Calculation of parking spaces*, the number of off-street parking spaces shown in Table 50-24-1, unless an exemption from or variation of this requirement is provided in another section of this Chapter.

Table 50-24-1: Off-Street parking Spaces Required	
Use	Requirement* (May Be Adjusted to 30% Less or 50% More)
RESIDENTIAL USES	
Dwelling, one-family	1 space per dwelling unit
Dwelling, two-family	
Dwelling, townhouse	
Dwelling, live-work	
Co-housing facility	
Manufactured home park	
Dwelling, multi-family	1.25 space per dwelling unit
Assisted living facility (elderly)	1 space per 3 habitable units
Residential care facility	1 space per 3 residential care beds, but not less than 2 spaces
Rooming house	1 space per habitable unit
Sober house	1 space per 3 single beds, but not less than 2 spaces
PUBLIC, INSTITUTIONAL AND CIVIC USES	
Bus or rail transit station	No requirement
Business, art, or vocational school	1 parking space for each 8 seats in the main auditorium or 3 spaces for each classroom, whichever is greater
Cemetery or mausoleum	No requirement
Club or lodge (private)	2.5 spaces per 1,000 sq. ft. of floor area
Government building or public safety facility	As determined by land use supervisor based on anticipated use and neighborhood impacts
Hospital	2 spaces per 1,000 sq. ft.
Medical or dental clinic	4 spaces per 1,000 sq. ft. of gross floor area
Medical ambulatory care facility	4 spaces per 1,000 sq. ft. of gross floor area
Museum, library or art gallery	1 space per 1,000 sq. ft. of gross floor area
Nursing home	1 space per 6 beds
Park, playground or forest reserve	No requirement
Religious assembly	1 space per 4 seats or per 100 sq. ft. in main auditorium, whichever is greater
School, elementary	1 parking space for each 10 seats in the auditorium or main assembly room or 1 space for each classroom, whichever is greater
School, middle	1 parking space for each 8 seats in the main auditorium or 3 spaces for each classroom, whichever is greater
School, high	5 parking spaces for each classroom or 1.5 parking spaces per 1,000 square feet, whichever is greater
University or college	2 spaces per 1,000 sq. ft. of office, research and library area plus 1 space per 125 sq. ft. of auditorium space.
Other community facility or institutional support uses not listed	As determined by land use supervisor based on anticipated use and neighborhood impacts
COMMERCIAL USES	
Adult bookstore	2.5 spaces per 1,000 sq. ft. of gross floor area
Adult entertainment establishment	5 spaces per 1,000 sq. ft. of gross floor area
Agriculture	No requirement
Automobile and light vehicle repair and service	2 spaces per 1,000 sq. ft. of gross floor area
Automobile and light vehicle sales, rental or storage	2 spaces per 1,000 sq. ft. of gross floor area
Bank	3.5 spaces per 1,000 sq. ft. of gross floor area
Bed and breakfast	1 space for manager plus

Table 50-24-1: Off-Street parking Spaces Required	
Use	Requirement* (May Be Adjusted to 30% Less or 50% More)
	1 space per habitable unit
Building material sales	1 space per 1,000 sq. ft. of gross floor area
Business park support activities	2 spaces per 1,000 sq. ft. of gross floor area
Convention and event center	1 space per 4 seats or per 100 sq. ft. in main auditorium, whichever is greater
Daycare facility	1 space per 5 persons care capacity
Data center	1 space per 1,000 sq. ft. of gross floor area
Filling station	4 spaces per 1,000 sq. ft. gross floor area plus 1 per service stall
Funeral home or crematorium	1 space per 50 square feet of floor space in slumber rooms, parlors or individual funeral service rooms
Garden material sales	1 space per 1,000 sq. ft. of gross floor area
Grocery store	3 spaces per 1,000 sq. ft. of gross floor area
Golf course	2.5 spaces per 1,000 square feet of clubhouse area
Hotel or motel	2 spaces per 3 guest rooms plus 1 per 200 sq. ft. of gross floor area in all accessory uses including restaurants and meeting rooms
Indoor entertainment facility	2.5 spaces per 1,000 sq. ft. of gross floor area.
Kennel	1 space per 1,000 sq. ft. of gross floor area
Marina or yacht club	2.5 spaces per 1,000 sq. ft. of clubhouse area, plus 1 per 10 boat slips
Mini-storage facility	1 space per 20 storage units
Office	2.5 spaces per 1,000 sq. ft. of gross floor area
Parking lot or parking structure (primary use)	No requirement
Personal service or repair	2.5 spaces per 1,000 sq. ft. of gross floor area
Preschool	1 space per 5 persons care capacity
Restaurant	6.5 spaces per 1,000 sq. ft. of gross floor area
Retail store	3 spaces per 1,000 sq. ft. of gross floor area
Riding stable	No requirement
Seasonal camp or cabin	1 space for every two beds, or for each cabin or sleeping unit, whichever is greater
Theater	1 space per 6 seats or per 100 sq. ft. in main auditorium, whichever is greater
Tourist or trailer camp	2 spaces per 3 sleeping rooms, suites, or trailer spaces
Truck or heavy vehicle sales, rental, repair or storage	1 space per 1,000 sq. ft. of gross floor area
Vacation dwelling unit	1 space for 1-2 bedrooms, 2 spaces for 3-4 bedrooms, 3 spaces for 5+ bedrooms
Veterinarian or animal hospital	2.5 spaces per 1,000 sq. ft. of gross floor area
Other commercial use not listed	As determined by land use supervisor based on anticipated use and neighborhood impacts
INDUSTRIAL USES	
Airport and related facilities	As determined by airport management
<ul style="list-style-type: none"> • Electric power or heat generation plant • Electric power transmission line • Junk and salvage services • Major utility or wireless communication tower • Radio or television broadcasting tower • Railroad or shipyard and related facilities • Solar or geothermal power facility (primary use) • Truck freight or transfer terminal • Water or sewer works • Wind power facility (primary use) • Bulk storage not listed 	No requirement
<ul style="list-style-type: none"> • Contractor's shop and storage yard • Dry cleaning or laundry plant • Recycling collection point (primary use) • Solid waste disposal or processing facility 	1 per 1,000 sq. ft. of gross floor area
<ul style="list-style-type: none"> • Manufacturing, light manufacturing, heavy manufacturing, hazardous or special • Storage warehouse 	1 per 1,000 sq. ft. of gross floor area

Table 50-24-1: Off-Street parking Spaces Required	
Use	Requirement* (May Be Adjusted to 30% Less or 50% More)
<ul style="list-style-type: none"> • Water-dependent manufacturing, light or heavy • Wholesaling 	
Research laboratory	As determined by land use supervisor based on anticipated use and neighborhood impacts
Other industrial uses not listed	As determined by land use supervisor based on anticipated use and neighborhood impacts
ACCESSORY USES	
Accessory bed and breakfast	1 space for primary use dwelling; plus 1 space per habitable unit
Accessory caretaker quarters	1 space
All other accessory uses	No requirement
TEMPORARY USES	
Temporary real estate sales office	2 spaces
All other temporary uses	No requirement

*The parking space requirement may be modified by Section 50-18.5 (Higher Education Overlay District), Section 50-24.3 (Adjustment to required off-street parking), Section 50-24.4 (Maximum parking spaces), and Section 50-37.1.L (Administrative Adjustments).

Section 4. That Section 50-41.13, .18, and 19 of the Duluth City Code, 1959, as amended, be amended as follows:

Medical Ambulatory Care Facility. An establishment engaged in providing medical, surgical or psychiatric care on a less than 24 continuous hour basis, which may include overnight stays.

Residential care facility/assisted living facility. A **state licensed** building that houses persons, on a 24 hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This classification shall include, but not be limited to, the following; residential board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers, and convalescent facilities.

Sober house. A dwelling unit occupied by persons whom are in recovery from chemical dependency. The residents of a sober house are similar to a family unit, and share kitchen and bathroom facilities and other common areas of the unit. Sober houses do not provide on-site supportive services to residents, including the following: mental health services; clinical rehabilitation services; social services; medical, dental, nutritional and other health care services; financial management services; legal services; vocational services; and other similar supportive services.

STATEMENT OF PURPOSE:

City of Duluth
Planning Commission
March 10, 2020 Meeting Minutes
Council Chambers - Duluth City Hall

Call to Order

President Margie Nelson called to order the meeting of the city planning commission at 5:02 p.m. on Tuesday, March 10, 2020, in the council chambers in Duluth city hall.

Roll Call

Attending: Gary Eckenberg, Tim Meyer, Margie Nelson, Andrea Wedul, and Zandra Zwiebel
Absent: Jason Crawford, Michael Schraepfer, and Sarah Wisdorf
Staff Present: Adam Fulton, Robert Asleson, Steven Robertson, Chris Lee, John Kelley, and Cindy Stafford

Public Comment –N/A

Approval of Planning Commission Minutes

February 11, 2020

MOTION/Second: Meyer/Wedul approved the minutes with one change

VOTE: (5-0)

Consent Agenda

~~PL 20-007 Minor Subdivision at 538 Rose Street by One Roof Community Housing~~ (removed from consent agenda and placed under public hearings)

PL 20-008 Minor Subdivision at 3910-3912 W. 6th Street by Susan Hall

PL 20-009 Variance at 3910-3912 W. 6th Street by Susan Hall

PL 20-011 Concurrent Use of Streets Permit at 394 Lake Avenue South for Dewitt Seitz Building by Oneida Commercial Real Estate Services

PL 20-018 Minor Subdivision at South 69th Avenue West for Sherri Irving/Northland Homes

PL 20-024 Variance from Rear Yard Setback at 1314 Commonwealth Avenue by Larry Pulkrabek

Staff: N/A

Applicant: N/A

Public: No speakers.

Commissioners:

MOTION/Second: Zwiebel/Meyer recommended approval of the consent agenda items as per staff's recommendations.

VOTE: (5-0)

Public Hearings

PL 20-007 Minor Subdivision at 538 Rose Street by One Roof Community Housing (removed from consent agenda and placed under public hearings)

Staff: Deputy Director Adam Fulton asked if the commissioners would like staff to present the item. A presentation was not requested.

Applicant: N/A

Public: No speakers.

Commissioners: Gary Eckenberg noted he is on the One Roof Board and needs to abstain from the vote and therefore asked for this item to be removed from the consent agenda.

MOTION/Second: Wedul/Meyer recommended approval of the consent agenda items as per staff's recommendations.

VOTE: (4-0, Eckenberg Abstained)

PL 20-012 Vacation of Street at 715 N. 57th Avenue W., St. James Church by Richard Kunst

Staff: John Kelley introduces the applicant's proposal for the vacation of the North 58th Avenue alley between Kinnear Place and Elinor Street alley in order to unify property they own on both sides to allow for the expansion of the parking area on the west side of the St. James church and school buildings. As part of the vacation process, the applicant is also submitting an application for a special use permit for improvements to the existing parking lot (PL 20-013). Staff is recommending approval with the conditions listed in the staff report.

Applicant: N/A

Public: No speakers.

Commissioners: N/A

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

VOTE: (5-0)

PL 20-013 Special Use Permit for Expanded Church Parking at 715 N. 57th Avenue West, St. James Church, by Richard Kunst

Staff: John Kelley introduced the applicant's proposal for a special use permit for a church and 88 stall accessory parking lot in an R-1, Residential Traditional zone district. Staff recommends approval with the conditions listed in the staff report.

Applicant: N/A

Public: No speakers.

Commissioners: Eckenberg noted item #2 in the staff report stating the church will demo two buildings. He noted the map shows four buildings. He asked staff to clarify. Kelley noted there are existing homes on the site. Kelley noted the homes along Elinor will remain. There are four houses owned by the church, which will be removed. Andrea Wedul clarified two houses will remain on the block. Kelley affirmed. There is no need for alley access. Wedul noted the citizen comment they received to leave the existing trees. Kelley affirmed existing trees will remain and additional plantings will be added.

MOTION/Second: Eckenberg/Meyer approved as per staff's recommendations.

VOTE: (5-0)

PL 19-187 Special Use Permit for Hotel at 808 E. 2nd Street by Nick Christensen

Staff: Chris Lee introduces the applicant's proposal for the creation of a hotel through the addition of six units that are being built into the existing multi-use commercial building. This

hotel will provide furnished units marketed to patients and employees of nearby hospitals. As such, it will function similarly to an extended stay hotel. Staff recommends approval with the conditions listed in the staff report. Chair Nelson noted the congestion in the area. Is there a parking plan?

Applicant: Nick Christiansen noted there is parking available on 2nd street after regular hospital hours. Eckenberg asked if they have exterior plans for the building. Christiansen noted they do plan on updating the façade and replacing windows and doors. The proximity to the hospital allows for renters to walk to work without having a car. Second Avenue is being redone. Wedul asked about accessibility. The main grade enters on 2nd Street and the units are being built in compliance with ADA requirements. Deputy Director Fulton noted it is regulated by the building code.

Public: No speakers.

Commissioners: Tim Meyer also has parking concerns. He wonders about long-lease parking. Can they add this as a condition? Deputy Director Fulton suggests asking the applicant. Meyer suggested a friendly amendment to add a condition to have leased parking. Meyer asked if a year would be enough time to secure parking. The applicant asked what happens if he is unable to secure parking. Deputy Director Fulton noted enforcement could include the possibility of permit revocation. Zandy Zwiebel noted the large gravel lot. Who is this owned by? Christiansen noted a Mr. Murphy. JAS also owns an adjacent lot. Deputy Director Fulton noted the applicant will advertise to hospital staff, and noted there will be a high degree of access to hospital and to the Duluth transit System.

MOTION/Second: Zwiebel/Nelson approved as per staff's recommendations with friendly amendment to add leased parking to renters in need and will come back to planning commission within in a year.

Meyer/Eckenberg add a minimum of five leased parking spaces within two years as a condition of the special use permit.

VOTE: (3-2, Zwiebel and Nelson Opposed)

Christiansen wasn't expecting a parking caveat. It would cease and halt what he is working on now. Housing need is being met. Not everyone visiting Duluth will have a car. Meyer asked about his current development guidelines. They are already under construction and plan to open in June. Zwiebel doesn't agree with the parking condition. It's a throwback to a different time, and unrealistic.

Meyer agrees people visit Duluth without a vehicle, but there are parking issues already in that neighborhood, and feels it would be irresponsible not to have provided parking.

Wedul suggested allowing the hotel to be open and be operational within two years as long as five spaces are provided after.

City attorney Robert Asleson noted if the commission were to vote down the motion they could make another motion to vote on.

Vote to reconsider the amendment

MOTION/Second: Zwiebel/Nelson approved as per staff's recommendation.

VOTE: (2-3, Wedul, Eckenberg and Meyer Opposed) – Motion Fails

MOTION/Second: Eckenberg/Meyer approved with added condition the applicant secures five leased parking spaces within two years' time.

VOTE: (5-0)

PL 20-010 UDC Map Amendment at 108 E. 6th Street by 108 Lofts, LLC

Staff: Chris Lee introduced the applicant's proposal to rezone to Mixed Use – Neighborhood (MU-N) to allow for expanded uses in an existing structure. The proposal is consistent with the Comprehensive Plan and the future land use. Staff recommends approval without conditions. Wedul asked about MU-N versus R-2 Zoning. Surrounding properties are R-2. Lee cited the requirements for multi-family buildings and daycare. Lee noted the future land use has been designated MU-N. Deputy Director Fulton indicates that it is staff understanding that zoning change will help to accelerate property redevelopment. Nelson asked whether, if applicant didn't apply, would staff eventually bring forward for consistency with comp plan? Lee affirmed.

Applicant: N/A

Public: Dan Kuluvar, 618 N 1st Ave East, addressed the commission. He thinks a lot of construction activity will be going on by his property. He affirmed remodeling would be internal. Linda Alcott, 120 E. 7th St., addressed the commission. She would like to see a buffer between the properties and would like to see landscaping. She also questioned where parking will go. She wants to see the greenspace protected. She is also concerned about garbage screening. Therese Neo, 516 N 2nd Ave E., addressed the commission. She is concerned about parking. She doesn't know where 60-70 additional people will park. She hopes property managers will do a good job, and is excited to see new things happen. She is concerned about parking and the volume of traffic. Kuluvar asked if the owner has drawn up parking plan at this point.

Applicant: Nick Adams, 250 MacDonald Rd., represents applicant and addressed the commission. They don't have a full set of building plans yet. Tentatively they plan to convert the gymnasium to indoor parking. 81 parking spaces is tentatively what is planned. Garbage will be housed in an indoor garbage corral. Deputy Director Fulton indicated that commissioners are evaluating an application for the rezoning, the present application does not include anything about building details which would be addressed in a future application based on underlying zoning requirements. Meyer asked what is the next step of review by planning commission. Lee noted that multi-family residential is a permitted use in both MU-N and in R-2, so it will go through normal permitting processes. Meyer asked if the neighbors will get details of the project ahead of time. Lee stated it is at the discretion of the applicant, but staff recommends that the applicant do so.

Commissioners: Wedul noted this is an exciting project, and will improve the neighborhood. She congratulates the applicant moving forward. Meyer stated this is great project, but would like to see the neighbors informed of the applicant's plans.

MOTION/Second: Zwiebel/Meyer recommended approval as per staff's recommendations.

VOTE: (5-0)

PL 20-019 UDC Text Amendment Related to Sober Houses and Medical Uses, Land Use Supervisor Interpretations, and MU-W District 200 Foot Rule

Staff: Steven Robertson introduced the city's proposal for two ordinance changes to the Unified Development Chapter, which is summarized in the staff report. Adding a public notice clause to the land use supervisor interpretations. More transparent and improving public notice. Adding two new uses including sober houses. Definitions are most important part of the code. Took excerpts from St. Paul, more housing than supportive services. Treat similar to single homes or residential care facilities. SUP in R-1, addresses a potential need in the community.

Medical ambulatory care facility which is a middle sized. Care facilities must be licensed. Eckenberg regarding sober house, 4 lines of text stating what a sober house is not. Share common units. No onsite care. He is questioning what it is. Atypical to list what it is not. Facility with other folks in same situation. Loose collection of people living together. Robertson noted it is not state licensed, and they are more voluntary in nature. There is a need for places for people going through treatment to stay. Meyer noted a facility in lake side and blends in well. Wedul noted the term sober houses, and compared to a battered women shelter. Can you open it up to broader definition? Recovery house or protection house. Deputy Director Fulton, for clarification purposes a number of inquiries treat the same as a rooming house. It is protective healthy living. Eckenberg as of the 1st of the year Duluth has a facility called New Way. Eckenberg allow single family home w/ 3 bedrooms. Owner of rental property. Do these tenants pay? Is the rent paid by New Way? Robertson noted the financial arrangements are at the discretion of the provider. Most likely there is compensation from the tenants to the owner. More than six units would not be allowed in R-1.

Applicant: N/A

Public: Jim Adams, 4615 Grand Avenue, owns sober houses and addressed the commission. Largest operator in the region which includes the metro area. Came to Duluth in January to support New Way. They are part of the MN Association of sober houses. They regulate themselves. He would like to see this piece delayed, and feels it is missing the target just a bit. He would like to see the number increased from 6 to 10, which would create a stable environment. Structure and managers. Need to stay in compliance with their organization rules. Federal fair housing act – permitted use. Needs to be allowed in all municipalities. Doesn't fit Imagine Duluth Plan for housing for all. He would like to see the item tabled for more conversation. Nate, the program director for sober homes, addressed the commission. He has experience coming through the sober house system. Invaluable community effort is important to people in recovery. Married, homeowner, started small business co-leadership with other house managers. He stated New Way is an amazing program. Brian Annis, 1902 E 3rd St., addressed the commission and noted in 2012 he applied for Special Use Permit. He was directed to the Life Safety office, and then to Construction Services and then back to Planning. He has been sober since 2004. He was in a treatment center for 6 months and then lived in a sober house. There needs to be a level of accountability with an on-site manager. Greatly increases success of long-term recovery. He commended staff for bringing this item forward. He agrees that six is too low. But he is waiting to open, and wants to move forward. Angel Gilbertson, program manager of New Way, opened October of last year. The RISE model recover/environment. No where safe to go after treatment. Goal is tackling barriers so people can get well. Overdose numbers in Duluth are scary. People aren't shamed into box where they have to live in a certain area. UMD grad and student housing is completely different. No police calls. Sober house residents have been known to shovel elderly neighbors' sidewalks, etc.

Commissioners: Zweibel noted sober house care facility and rooming houses. She doesn't understand why it needs its own category. Robertson rooming house aren't allowed in R-1. Create a new use "sober houses". Sober houses are not inspected by state. Meyer disagrees with the term and feels it should be more generic. Supportive housing or recovery residence. This may require more research. Wedul agrees and would like to see the term be more flexible. Eckenberg is in favor of tabling. He would like more discussion with the people involved. Deputy Director Fulton appreciates the testimonies and recommends having more dialog. He suggests a brown bag session where the public would be invited. Robertson is okay with tabling the entire item.

MOTION/Second: Wedul/Eckenberg tabled for more discussion

VOTE: (5-0)

DRAFT

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. Construction projects upcoming. Major construction on Superior Street will begin in April. MNDOT will be working on Lake Avenue. There will also be lake walk work. DTA embarking on feasibility analysis. Vacation rental issue went to council last night. Amendments upcoming. They are working on filling the planning commission vacancy. The pc annual meeting is next Monday at the Lake Superior Zoo at 5:30 p.m. OMC is catering.

Joint Airport Zoning Board (JAZB) Report – Chair Nelson no longer on JAZB. Deputy Director Fulton noted there is no report at this time.

Duluth – Midway Joint Powers Zoning Board (DMJPZB) Report – Deputy Director Fulton no update.

Proposed UDC Changes for Solar Generation Facilities – Robertson noted ideas from staff about text changes. City proposes solar power to pumping station.

Eckenberg noted a situation in the Lincoln park neighborhood. He noticed the intersection of Garfield and W. Superior Street. There are lots of walkers at night, but it's really dark. He is concerned about traffic speed. Deputy Director Fulton will bring the item to the city Engineer Department.

Adjournment

Meeting adjourned at 7:18 p.m.

Respectfully,

Adam Fulton – Deputy Director
Planning and Economic Development