

City of Duluth Planning Commission

**April 12, 2022
Meeting Minutes**

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

Call to Order

President Sarah Wisdorf called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, April 12th, 2022.

Roll Call

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

Members Present: Jason Crawford*, Gary Eckenberg*, Jason Holliday*, Margie Nelson*, Michael Schraepfer* (entered meeting after approval of the minutes), Andrea Wedul*, and Sarah Wisdorf*

Member Absent: N/A

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

Approval of Planning Commission Minutes -

Planning Commission Meeting – March 08, 2022

MOTION/Second: Eckenberg/Nelson approved

VOTE: (6-0)

Public Comment on Items Not on Agenda

None

(Item PL 22-039 was removed from the consent agenda and placed under public hearings.)

Consent Agenda

(Commissioner Michael Schraepfer recused himself from the consent agenda items.)

PL 22-026 Interim Use Permit for a Vacation Dwelling Unit in an R-1 District at 228 S 59th Avenue W by ALN Properties

PL 22-033 Interim Use Permit for a Vacation Dwelling Unit in an F-2 District at 323 S 17th Ave E by Portland Land Co., LLC

PL 22-034 Interim Use Permit for a Vacation Dwelling Unit in an F-2 District at 4924 Pit St by Endion Land Company, LLC

PL 22-037 Minor Subdivision at 1526 98th Avenue W by Matina Askegard and Paul Askegard

PL 22-041 Vacation of Alley between Redruth Street and Raleigh Street West of 71st Avenue W by the Housing and Redevelopment Authority of Duluth, Minnesota

Commissioners: Gary Eckenberg noted the discrepancy in the staff report on the number of bedrooms for item PL 22-033. Steven Robertson confirmed the cover sheet is accurate and the number of bedrooms is two with a five-occupant limit.

Public: No speakers.

MOTION/Second: Nelson/Crawford approved consent agenda items as per staff recommendations

VOTE: (6-0, Schraepfer Abstained)

Public Hearings

(Commissioner Michael Schraepfer recused himself from the next two agenda items.)

PL 22-039 Interim Use Permit for a Vacation Dwelling Unit in an R-1 District at 120 Aspen Lane by Predictable, LLC

Staff: Chris Lee introduced the applicant's proposal for the use of a 3-bedroom home as a vacation rental unit. The permit would allow a maximum of 7 occupants. This property is located in an R-1 district, and was chosen from the list of eligible properties from the 2021 drawing. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Eckenberg asked about the two entrances on Aspen Lane. Per Lee, it is a double driveway and defers to the applicant. Eckenberg stated there are no outdoor amenities listed, and yet there is a large deck. Per Lee, he can add the outdoor deck as an amenity.

Applicant: Andy and Molly Goldfine addressed the commission. They are excited to move forward. Commissioner Eckenberg asked the applicant if they plan to use the deck as an outdoor amenity, and about the double driveway. Per Andy Goldfine, affirmed it is a double driveway, and will continue to have two access points. They are working hard to make it a good asset for Duluth. Their current rental had six people living there. This vacation rental procedure is a new experience for them. Having stayed at other properties, he feels it will be a good use of their property for others. Heirloom will be their managing agent and can handle any issues that come up, and are available 24 hours a day. They have removed the hot tub from the exterior deck, and are not targeting large groups.

Public: Elizabeth Storaas – 2001 Lakeview Dr. – addressed the commission. She lives three houses away, and is opposed. There is a lot of traffic that passes by. She also doesn't think the staff report complies with Duluth's comprehensive plan regarding support for economic growth. Tourism is not included. This forces doctors and teachers to move to Hermantown. The owner is making a business out of tourism. Single-family homes are dwindling, and she urges the commission to deny the application. Jim Brych – 123 Aspen Ln. – addressed the commission. He lives across the street. He would like to see the quiet hours enforced be moved from 10 p.m. to 9 p.m. He noted seven visitors can spend the night, but there is not limit on visitors to the property. What prohibits parties? When there are nuisances, how is it handled? He would prefer not to have a vacation rental across the street from him. Beth Sobczak and her husband – 2022 Lakeview Dr., - addressed the commission. They are opposed. They bought their home five years ago. The vacation rental being proposed has no added benefit to their neighborhood. This proposal goes against affordable family homes. It is lining the pockets of wealthy business owners. Jordon Sobczak doesn't think the vegetation buffer is adequate. He doesn't know how

the deck was missed originally. There are people working from home during the day, so they would also like it quiet during the day. Sherry Boyce – 2114 Lakeview Dr. – addressed the commission. They have lived in their home since 1984. She is opposed. She urges the commissioners to look at governing principle #5 about strengthening neighborhoods. Tourism does not strengthen neighborhoods. She noted the paved walkway which is heavily used by walkers and cyclists. There is a lot of pedestrian traffic, and she would like the commission to consider the impact on neighborhoods and not as an asset for tourists. Don Mattson – 2030 Lakeview Dr. - addressed the commission. He commented on Commissioner Jason Crawford attending a Bell Bank function in which deals were being made. Deputy Director Fulton noted this is not relevant, and to refrain from personal attacks. Mattson noted the proposed vacation rental will be a highly transient rental property and will reduce the strong sense of community. Lisa Lunge-Larsen – 2011 Lakeview Dr. – addressed the commission. She is opposed. She watches the traffic from her house, and feels it will increase the neighborhood traffic. She feels that short term rentals alter the fabric of the community. Duluth is in dire need of single-family homes.

Staff: Chris Lee answered Byrch’s question about nuisances. The managing agent Heirloom Properties can be called if there are loud parties or nuisances.

Commissioners: Chair Wisdorf noted the neighbors will be given the managing agent’s information. Andrea Wedul noted the screening waiver based on current homeowners. Can a provision be added in case ownership changes? Lee noted the interim use permit term is six years or whenever ownership changes. Upon renewal they would need to seek approval from the new owners. Eckenberg noted the neighbors’ challenges with the compliance of the comprehensive plan. Per Deputy Director Adam Fulton, he appreciates citizen comment. The applicant became eligible to apply due to their increased cap. This increased cap is based on the planning commission’s and city council’s policy decision. The staff report follows the comprehensive plan. Their policy directive is to provide for opportunities to allow vacation rentals in neighborhoods. The applicant and staff have utilized these standards. Eckenberg added that if the planning commission approves this interim use permit tonight, it can be appealed to the city council. Deputy Director Fulton affirmed, and noted the 10-day timeline to turn in the appeal to the clerk’s office. He also noted the interim use permit is not permanent, and has to be renewed every six years. It is easier to rescind than having a special use permit. Margie Nelson noted the city council charged the planning commission to study vacation rentals. They are well versed and educated on how vacation rentals work. They encourage spreading the vacation rentals out into different areas of Duluth.

MOTION/Second: Wedul/Nelson approved as per staff recommendations with condition that the land use supervisor review the screening waiver and possibly determine if more screening is needed.

VOTE: (6-0, Schraepfer Abstained)

PL 22-035 Special Use Permit for a Hotel at 703-723 S Lake Avenue by Park Point Land Co., LLC

Staff: Chris Lee introduced the applicant’s proposal to use the property as a 15-unit hotel located within five separate structures. The applicant is not proposing any significant exterior changes to the current structure, but they are proposing to create four new 3-unit structures. The site plan shows 15 parking spaces, which exceeds the required 10 spaces, but does not exceed the maximum. Engineering has stated that two water services will need to be rerouted and stormwater will be required to be treated onsite. Staff received a citizen comment regarding 8th Street and dust. All required parking shall be paved. Staff recommends approval with the eight conditions listed in the staff report.

Commissioners: Eckenberg commented on the dust control on gravel roads. It can be treated to control the dust. Interim Manager Jenn Moses said she can ask Engineering about treating the gravel road. Wedul noted 718 Minnesota Avenue and to make sure their parking

isn't affected. Per Lee, the hotel's parking spaces will need to be on their own parcel. Moses noted they are just showing existing parking on an adjacent lot. It is not meant for the hotel.

Applicant: Nick Adams addressed the commission and confirmed the existing parking will not be for the new triplexes.

Public: No speakers.

Commissioners: Eckenberg loves the style of the buildings, and thinks it is a great design. Wedul stated she also likes the design, and they fit into the neighborhood. Will it be staffed 24 hours a day? Per Moses, in the Unified Development Code (UDC) a hotel desk should be staffed. This was in the old days when you had to have an on-site staff person. Thanks to technology, staff can be available when needed, and will be contactless.

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

VOTE: (6-0, Schraepfer Abstained)

(A five-minute break was taken.)

PL 22-038 MU-C Planning Review for a Church at 43xx Haines Road by New Life Lutheran Church

Staff: Kyle Deming introduced the applicant's proposal to construct a 7,800 sq. ft. church along with a 72-stall parking lot on a 6.3-acre site. The project will add a single driveway access to Haines Rd. Site development has been positioned to avoid three wetlands on the property. No wetland impacts are expected. Storm water detention will be in two basins. The plan shows a sidewalk connecting the church to the sidewalk on Haines Road. The landscape plan shows parking lot islands with trees in compliance with standards. No street frontage landscaping is required due to leaving the existing vegetation in place. A tree inventory has been approved by the City Forester. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Wedul questioned the landscaping design and didn't think standards have been met. Deming will make sure they comply prior to issuing the building permit.

Applicant: Civil Engineer David Bolf addressed the commission, and clarified they are meeting interior landscaping requirements, and will follow up with Deming. They are not asking for a deviation from the standard requirements. Architect Greg Strom addressed the commission and welcomed questions. There were none.

Public: No speakers.

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

VOTE: (7-0)

PL 22-040 Special Use Permit for a Restaurant at 1303 W Arrowhead Road by 1303, LLC

Staff: John Kelley introduced the applicant's proposal for a new 3,500 square foot commercial building with a 1,500 square foot restaurant and outdoor dining area. The second tenant space in the building will be for office use, which is a permitted use. A restaurant less than 5,000 square feet in the MU-N zone district requires a special use permit. The next application pertains to the higher education overlay district. The proposed restaurant will not have a drive-through window or lane. A sidewalk connects the front of the building to the existing sidewalk along West Arrowhead Road. A sidewalk will be constructed along lot frontage on Dodge Avenue. The site plan provides 17 parking spaces, which complied with the standards. There is a 6-foot tall privacy fence shown on the site plan along the north property line for screening between land uses. The UDC also requires three small shrubs per 25 feet of boundary line be installed in front of the fence facing the house. The Land Use Supervisor has determined that the site can't be developed in a manner to protect the existing trees. The applicant has completed a tree replacement plan. The applicant will need to submit a storm water plan for

review and approval prior to obtaining a building permit. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Wedul noted the landscaping plan. Will the parking lot need screening to the East as well? Per Kelley, trees should be spread out. Spacing can be discussed with the applicant. Eckenberg clarified office use is a permitted use. Kelley affirmed. Eckenberg asked if a traffic study has been completed. Per Kelley, in this case, no traffic study is needed. The driveway will be off of Dodge Street and not Arrowhead Road.

Applicant: Alex Bushey addressed the commission and welcomed questions. Wedul asked about the screening to the East side. She also noted the longer than required parking stall length of 19'. Architect Ryan Arola noted they have flexibility with the 19' length, but this is typical for them. Wedul stated she is concerned about them meeting standards for landscaping on the East side. Could the parking be reduced to 18' and spread out the landscaping to the East side? The applicant noted across the street is the neighbor's garage. The landscaping meets the requirements. Wedul stated the UDC's intent is to spread out the landscaping. Chair Wisdorf noted that many citizen comments have been received and will go into the public record.

Public: Eric Butche – 1234 Woodrich Circle – addressed the commission. They live a block away, and feel a traffic study should be done. There have been several accidents between Dodge and Arrowhead. A restaurant will bring more traffic into the neighborhood, and will be a detriment. The east side is not a garage. It is a neighbor's house. He doesn't understand why they are here again. This will have a negative impact on their neighborhood, and is truly disheartening, especially with a driveway on Dodge. Joe Jurewicz – 1714 Dodge Ave. – addresses the commission. He has lived here for four years, and the intersection on Dodge and Arrowhead is terrifying to him. It is almost impossible to turn left. He is not against a commercial development, but is concerned with a restaurant use, which will bring in more traffic. He is also concerned about semi delivery trucks. Arrowhead Road has 13,000 cars a day. There are no corners for a semi-truck to maneuver. Having a restaurant on the corner will take an existing problem, and make it worse. The thanked the commissioners, but said this is not an appropriate use here. Ann Thoreson – 1620 Warren Ave. – addressed the commission. She agrees with her neighbors and is concerned about the commercial zoning. There are no buffers here. Development will go next to houses. This type of development will negatively impact their neighborhood. She is strongly opposed.

Commissioners: Eckenberg asked staff what conversations they have had regarding semi trucks and deliveries. Per Kelley, there was no discussion, and noted it might be a good question for the applicant. Per Bushey, due to the small size of the restaurant, they will use a smaller truck on a more frequent basis. Wedul noted the required setback for the east side is 5', and especially if it is not a garage. There needs to be sensitivity to people who do live there. Eckenberg asked staff about rezoning. This was rezoned in 2018. Kelley affirmed, and noted this is not a rezoning, but a special use permit in this neighborhood.

MOTION/Second: Nelson/Eckenberg denied which is against staff recommendations.

VOTE: (6-1, Wisdorf Opposed)

PL 22-045 Planning Review for the Higher Education Overlay District at 1303 W Arrowhead Road by 1303, LLC

Staff: Jenn Moses stated it is up to the planning commission if they want to proceed with this item. Eckenberg stated since the two items are tied together he doesn't feel a need to discuss.

Applicant: Alex Bushey would like to table.

Public: Eric Butche noted this prolongs the angst, and appreciates proceeding with this.

MOTION/Second: Nelson/Crawford Motion to Table.

VOTE: (6-1, Eckenberg Opposed)

PL 22-042 Special Use Permit for a Cottage Home Park at Redruth Street and S 71st Avenue W by the Housing and Redevelopment Authority of Duluth, Minnesota

Staff: Kyle Deming introduced the applicant's proposal for a special use permit for a cottage home park development with 18 dwellings connected to two 13 vehicle parking lots via an interconnected sidewalk system through common open space. The developer will also add sidewalks along 71st Avenue West and Redruth Street for connectivity between the internal sidewalks and the existing neighborhood's sidewalks. The buildings will be stick built with a slab on grade. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Eckenberg noted a discrepancy regarding two of the dwellings being placed at an angle. Deming deferred to the applicant. Wedul asked if a wetland is determined, would it be mitigated? Per Deming if a wetland is identified, they will evaluate to determine mitigation.

Applicant: Jill Keppers addressed the commission. The positioning of the buildings will be determined later. She thanked the commissioners and noted they are eager to add affordable housing to Duluth. This will be good for the Duluth work force, and for small families.

Public: No speakers.

Commissioners: Wedul is excited about this plan, and noted it meets the intent of cottage homes. Chair Wisdorf echoes Wedul's comment, and is also excited about the project.

MOTION/Second: Nelson/Wedul approved as per staff recommendations.

VOTE: (7-0)

Old Business

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

Item to Remain on the Table for more Plat Research.

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. He thanked Jenn Moses for serving as interim manager. He noted Jason Hale accepted a new position with Cook County as the Executive Director of HRA. The senior housing developer position has been posted.

Heritage Preservation Commission – No update.

Joint Airport Zoning Board – No update.

Duluth Midway Joint Powers Zoning Board – No update.

Adjournment

Meeting adjourned at 8:02 p.m.

Respectfully,

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