

City of Duluth Planning Commission

**July 9th, 2024 – City Hall Council Chambers
Meeting Minutes**

Call to Order

President Gary Eckenberg called to order the meeting of the city of Duluth Planning Commission at 5:00 p.m. on Tuesday, July 9th, 2024, in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Chris Adatte, Brian Hammond, Jason Hollinday, Danielle Rhodes, Dave Sarvela, and Andrea Wedul

Members Absent: Jason Crawford

Staff Present: Ryan Pervenanze, Amanda Mangan, Chris Lee, Jason Mozol, Jenn Moses, and Sam Smith

Approval of Planning Commission Minutes

Planning Commission Meeting – June 11th, 2024 –

President Eckenberg requested staff make a couple corrections regarding the “Communications” section of last month’s meeting. Eckenberg stated he is not the representative for the Joint Airport Zoning Board (JAZB) because his appointment expired. This Planning Commission must choose another representative for that board. The other correction Eckenberg requested pertained to the Duluth Midway Zoning Board report. The minutes incorrectly stated that Eckenberg gives this report, but it is supposed to be presented by Land Use Supervisor. Staff confirmed that these changes will be made.

MOTION/Second: Hollinday/Sarvela approved

VOTE: (8-0)

Public Comment on Items Not on Agenda

No comments.

Consent Agenda

PL 24-033 Vacation of Easement at 1420 London Road by Kyle Hammer

PLIUP-2405-0001 Interim Use Permit for a New Vacation Dwelling Unit at 204 W House Street
by Diana Dennis

Commissioners: Commissioner Wedul asks staff a clarifying question regarding item PL24-036. She wonders if this building changes uses from a dental office to something else in the future, would there be any reason that access for this easement be necessary again?

Staff: Jason Mozol responded to Wedul stating that the sewer line is going to be considered private, so it will be up to the applicant to maintain and operate. Mozol noted that the applicant was present if commissioners wished to ask them questions directly.

Commissioners: Wedul addressed the applicant. It's her interpretation that this will be a private utility that will connect with the public utility through the existing easement. She asks the owner if they are indeed willing to upgrade and maintain this easement.

Applicant: Ryan Turner, architect speaking on behalf of Kyle Hammer. The addition that is being proposed will be otop of where the easement currently is, and the entire block will be served by that line. The easement will be private going forward, and the applicant is willing to maintain it.

Public: PLIUP-2405-0001: Jacqueline Majeski, 202 W. House St. – Ms. Majeski addressed the commission to first speak on behalf of Nicole Birch, who also lives on West House Street but was unable to attend the meeting. Majeski read from a letter written by Ms. Birch, who is in opposition of this Interim Use Permit (IUP) for a Vacation Dwelling Unit (VDU). Birch explains in her letter that short-term rentals do not add value to communities. Instead, short-term rentals take away opportunities for people who are seeking affordable housing to rent or purchase. Her neighborhood is comprised of families and neighbors who all know each other, and it was built over decades. Birch also expressed concern regarding limited parking for this address. There is one available parking space, but the house potentially allows 5 habitants. After reading the letter, Ms. Majeski stated that she lives next door to the proposed short-term rental house. She spoke about the previously mentioned parking problems, and mentioned that there is transitional housing and dry/sober housing in this neighborhood as well. Majeski felt that there was not sufficient communication pertaining to this new vacation dwelling unit coming to her neighborhood other than the letter that she received from the City.

PLIUP-2405-0001: Jodie Blegen, 111 W. House St. – Ms. Blegen addressed the commission. She explained that she lives very close to property as well, and is opposed to the proposed Vacation Dwelling Unit. She claims to have never received any notice of this VDU other than from the city, and the details in that notice were vague. Blegen said this VDU will bring strangers into the community without consideration of the neighbors, similarly how there was no consideration given to her and other community members when the transitional and sober housing was brought in. In her opinion, Gary, New Duluth is not a great vacation spot. She said everyone in their neighborhood knows each other and they want to keep it that way. Blegen also expressed concerns about the potential impact on crime rates and questioned if there is a way to regulate who stays in the VDU via background checks.

PLIUP-2405-0001: Lori Ulvi, 116 W. house St. – Ms. Ulvi addressed the commissioners and stated that she also lives close to the proposed VDU and is opposed to it. She pleaded with the commission to not let this VDU get approved due to current neighborhood issues. Ulvi spoke about how the current transitional housing on House Street has caused parking issues and increased police presence. She asked the commission to consider denying this so her neighborhood can focus on the problems at hand so they can heal their community.

Commissioners: Commissioner Rhodes asked staff for clarification regarding the parking space requirements of a VDU, and asked if staff went out to this site to assess the parking availability. She also asked if there is an occupancy limit for this house.

Staff: Chris Lee answered that staff did visit the site. However, they did not measure the site as there was a van parked in the space that will serve as the one legal required parking spot for

this VDU. Lee explains that a dwelling unit with 1 or 2 bedrooms requires 1 parking spot. The occupant count is 2 people per bedroom, plus 1, so this house can have up to 5 occupants. Since the parking requirement has been met for the 2 bedrooms, no additional parking is required.

Commissioners: President Eckenberg asked staff to elaborate on the notification the neighbors received for this VDU, and how it is determined which neighbors receive this notification. He also asks if there is any explanation on the letter explaining what a VDU is, and asked staff to explain the VDU eligibility list process.

Staff: Ryan Pervenanze responds that everyone within a 350-foot radius of the project site receives a notification letter. This letter informs people in the surrounding area that there is a land-use activity happening.

Chris Lee notes that sometimes the mail takes its time to get there, or if the home is a rental that perhaps the tenants might not receive the mail if the landlord is the designated recipient. The area is geo-referenced from the property boundaries, and staff will even expand a little bit more someone's property is on the edge of the radius just to make sure no one is missed. The letter talks briefly about what an interim use permit is, and it mentions that it is a vacation dwelling unit for a short-term rental. These letters also serve as an invite to let people know that there is a public hearing scheduled for a certain date and time. Lee went on to explain Duluth's capacity for 100 VDUs and the Planning department's process that keeps that limit in check.

Applicant: PLIUP-2405-0001: Diana Dennis, 2609 Beacon Point Ct. – Ms. Dennis addressed the commission and stated that she is also from Duluth. She explained that she bought this house so she could come back and take care of her aging parents because she couldn't afford to stay in hotels long term. Ms. Dennis states that she loves the house, the area, and the surrounding nature. She is aware of the housing shortage in Duluth, and she believes that the city is doing the right thing by handling this process slowly and incrementally. Ms. Dennis also adds that she has invested a significant amount of time and money into improving this house, and it will have greater value once it's done, and it will make a great starter home someday.

MOTION/Second: Hammond/Wedul approve the consent agenda items as per staff recommendation.

VOTE: (8-0)

Public Hearings

PL 24-036 MU-I Planning Review for Dental Office at 1420 London Road by Kyle Hammer

Staff: Jason Mozol addressed the commission. This item is a Plan Review for a 7000 square foot dental clinic construction to replace an existing clinic. Mozol presented a site plan of the clinic as well as the expansion plans. This project is being brought to the Planning Commission meeting because there is currently not a district plan for this MU-I zoned area. There are a number of code sections that apply to this development, and Mozol briefly described each one. He spoke first about parking: There is no minimum parking standard anymore, but there is a maximum parking standard for this use that calculates to 42 spaces. The applicant proposed 24 total parking spaces, which is below the maximum. 3 bike parking spots are also required for this property, but they were not depicted in the site plan. The applicant must include these bike parking spaces in the site plan as a condition of approval for this item.

Landscaping also applies to this property, which includes frontage landscaping along the avenue as well as London Road. Tree canopy coverage for the parking areas must also be considered, as some trees will be impacted by construction and will need to be replaced. The applicant

submitted a landscaping plan, but there were a few discrepancies that need to be addressed or fixed as a condition of approval. Screening also applies to this property. The roof-mounted mechanicals must be screened, and electric transformers must be contained by a fence. Commercial design standards are applied to this property as well, and 10% of building facades facing the streets must be transparent, and this is accomplished through windows. Mozol explained that there are several other architectural features and design standards that must be met in this plan for it to be approved. Finally, a lighting plan is also required. The light plan was submitted but it lacked certain necessary features, so adjusting that part of the site plan will be another condition of approval. Overall, staff recommends approval of this project with the conditions applied to the final site plan.

Commissioners: Commissioner Wedul asked staff if the proposed addition would be the only part that would need to follow UDC regulations, or would the entire building and site have to come into compliance along with this addition. She also inquired if these 2 buildings share a wall or if they are separate, and asked if the buildings are under the same or separate ownership.

Staff: Jason Mozol answered that the addition will be on its own parcel so this will need to adhere to zoning codes. The existing structure does share a wall, but it is on its own parcel and will not be impacted by this project. Ryan Pervenanze added that since the buildings are on their own parcels and they are owned by different entities, the conditions made on the addition cannot also be enforced on the adjacent property owner.

Commissioners: Discussion ensued about garbage receptacle placement.

Applicant: Kyle Hammer addressed the commission. He spoke about the tremendous advantages that will be a result of this new dental office construction for his business, his team, and his patients. They currently operate out of a small old building with very limited parking, so these changes will be a huge benefit for everyone involved.

Commissioners: Commissioner Wedul asked the applicant if they have their own enclosure or their trash receptacles.

Applicant: Kyle Hammer explained that trash will go in the rear of the building, and it is not shared trash. The screening shown is the enclosure is for the transformers.

Public: No speakers

Motion/second: Rhodes/Wedul approve as per staff recommendation with the following conditions:

- 1. The applicant shall submit a site plan and exhibit depicting conformity with bike parking requirements of the UDC**
- 2. Applicant shall submit a landscaping plan that fully conforms with the requirements of the UDC**
- 3. Applicant shall submit a lighting plan with photometric plan and drawings for fixtures that fully conforms to the requirements of the UDC**
- 4. Applicant shall construct and maintain the project as identified in the attached exhibits.**
- 5. Any alterations to the approved plans that do not alter major elements of the plans may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.**

Vote: (8-0)

PL24-063 Variance for Detached Garage at 4404 London Road by Paul Tonkin

Staff: Chris Lee addressed the commission and presented a site plan for the proposed front yard accessory structure. The principal structure is an approximately 2100 square foot single-family home that was built in 1948. The applicant is seeking a variance for the UDC section that states no accessory structure may be located between the street and the façade of a primary building that is facing that street. The applicant would like to construct a 744 square foot accessory structure in the front yard area adjacent to London Road. 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. Chris Lee read through the criteria on the staff report for this project and provided the applicant's reasoning for each of them.

After reading through the criteria, Lee stated that staff finds that the lot size and shape is typical for the neighborhood, is even larger than other lots in the R-1 zone throughout the entire city. He went on to explain that the circumstances are not unique for this project because the subject property is similar to others in the area. The applicant states that this variance is requested due to the future removal of on-street parking during the London Rd reconstruction project. However, this project will impact all of the other homes along London Rd, and is not unique to this property. The applicant also states that due to the closeness of their home and the adjacent property, there is not a suitable way to create access to the rear yard. However, there is at a minimum of 10' between the garage and property line. Moreover, the property contains a substantial area for parking vehicles. The next practical difficulty criteria pertains to reasonable use. Staff recognizes that an accessory structure is a typical use, but the property already has an attached garage with 2 stalls and has ample parking on the driveway. The addition of the proposed accessory structure creates an amount of parking/storage space that is larger than typical for single-family homes. In addition, the existing garage could also be extended to accommodate additional vehicles, if sheltered parking is desired. This structure would be permitted by code on other areas of the property without a variance. Finally, the essential character of the area is primarily homes on similar sized lots with accessory structures located adjacent to or behind the principle dwelling. An accessory structure in the front yard area would not be consistent with the essential character of the area nor with the intent of the Chapter, which aims to promote visibility of primary structures from the roadway and reduce visual impacts of accessory structures.

Chris Lee concluded that staff recommends the Planning Commission deny this variance request for 3 reasons: There is space for additional parking without the need for a variance on a lot that is larger than the typical R-1 lot, the circumstances are not unique to this property, and an accessory structure in the front yard area would not be consistent with the essential character of the area nor with the intent of the Chapter.

Commissioners: Commissioner Hammond asked staff about the relevance of the applicant's points in Chris Lee's staff report, as he believes that the applicant's points don't apply to any of the practical difficulty criteria.

Staff: Chris Lee answered that this is how the applicant described their practical difficulty, and it is up to the commission to decide whether the points made by the applicant are relevant.

Applicant: Paul Tonkin addressed the commission. He stated that his family has lived on that property and has been part of the community for over 120 years. Tonkin explains that he understands that the core component of the work that the Planning Commission does is try to maintain the character and quality of the neighborhoods of Duluth. He believes that the greatest threat to his neighborhood is the London Rd construction project because the landscaping for homes along this road will be greatly changed, and off-street parking will be eliminated for some

homes, including his own. Tonkin also stated that portions of their front yard will be taken by the State of Minnesota to accommodate a new bike line and turn lane, and when the project is complete there will be 4 lanes of traffic in front of their home. He feels this is excessive, and has since hired legal counsel to help protect their rights as property owners, and his main concern is safety. With the increase in traffic that will result from the London Rd construction project, he feels it is increasingly important for vehicles to be able to pull out of his property nose-first, which is already a challenge with his property layout. Tonkin also said that there is not adequate space between his home and his neighbor to the West to be able to access the rear of his home. He argues that his situation is unique because the character and quality of lakeside homes must be considered from the front and the back. He feels that the appearance from the lakeside is more important than the side of his home that faces London Rd. Furthermore, both of his neighbors to the East and West have asked him to not build a structure in the backyard, because it would block some of their views of the lake, which is another reason why he is requesting the variance.

Commissioner: Commissioner Wedul asked the applicant if he would consider demolishing the existing attached 2-car garage and adding on to his house rather than pursuing a separate structure. She also asked if this proposed project is meant to create a barrier to the London road project, or if this was more of a public push-back response to this project. Commissioner Rhodes commented that the Planning Commission sees projects like this frequently, money is not a reason for a variance. She encouraged the applicant to shop around a bit more regarding cost estimates for this project.

Applicant: Tonkin answered that Wedul's suggestion would be more than double the cost of what he is proposing to do. He has been working with Northern Trends Construction, and his project will cost an estimated \$150k, and the plan Wedul mentioned would be closer to \$400k-\$450k. He noted that there are other homes along London Rd that also have similar detached garages, and encouraged the commission members to drive down London Rd so they could see for themselves. Tonkin reiterated that safety is his main concern, and he believes this project meets the criteria necessary for the variance. Each case should be looked at carefully. The state is taking some of his property. His variance has nothing to do with the London Rd project. There will be ramifications, but his concern is safety for his family and visitors.

Commissioner: President Eckenberg asked the applicant a clarifying question regarding the minimum width for a driveway along the side of the garage. He had some confusion because the applicant indicated that the minimum driveway width was 12 ft, and in Tonkin's application he only has 10 ft available. According to the City of Duluth website, the minimum is 10 ft. Chris Lee's staff report also indicated that the applicant has 10 ft available. Eckenberg asked where the applicant got the 12 ft minimum information from.

Eckenberg also asked Tonkin why he is asking for another garage rather than adding on the same amount of proposed space to the existing garage. The staff report indicated that an add-on scenario would be feasible.

Applicant: Tonkin responded to Eckenberg stating that he got the 12 ft minimum information from the City of Duluth website or the St. Louis County website. He explained that 10 ft measurement is from the corner of his garage to the property line. He believes that 10 ft is not adequate room for a car to drive through, especially when considering snow accumulation. The slope of living on lakeside must also be considered, where the potential drop-off could be 2 or 3 ft.

Tonkin said that he reached out to contractors to discuss a garage addition like Eckenberg suggested, but the contractors were hesitant. The slope on his property is an aggressive slope and will not allow for an addition to double the size of the current garage. He stated that h

would also need a retaining wall for rain and potential water flow issues. When planning this proposed project, Tonkin has also been thoughtful about the concrete slab in regards to the slope and the aesthetics, as he wants to try to make it look appealing for the rest of the neighborhood.

Commission: President Eckenberg asked the applicant to clarify what he meant in the part of their application that described the 13 ft obstruction of the façade of their primary home that is caused by the current garage design, as there was no picture of the current garage design to reference.

Eckenberg also notes that this proposed garage would help with traffic congestion. He asked the applicant if people currently park on the driveway.

Applicant: Tonkin explains that if he were to move the proposed garage away from the property line as to respect that property line, they are acknowledging that a small portion of the East part of their home would be blocked, but it would be relatively minor. If this is a concern, he could potentially build the garage on the property line to remedy this obstruction if he gets permission from his neighbors to the East.

Tonkin said it is not uncommon to have 4-5 vehicles parked in his driveway due to the fact that they have 3 teenage drivers with friends that visit often. He argues that having cars in garages looks better than having all the cars on the driveway. Food delivery drivers would also benefit from this project because currently they need to back out into London Rd to get out, which is unsafe. This could be worse after the London Rd project is done. Tonkin adds that it would also be nice to have the garage to shelter the cars from weather, but the main concern again is for the vehicles exiting his driveway onto London Rd.

Commission: Commissioner Rhodes pointed out that while the applicant's traffic and parking concerns are valid, they are not a concern of this specific commission. Discussion ensued among the commissioners about unknown future impacts of the London Rd project and how the applicant's point fails to meet the practical difficulty criteria.

Public: No comments.

Motion/second: Hammond/Wedul deny the variance as per staff recommendation

Vote: (7-1)
Adatte opposed

Other Business

No other business.

Update on West Superior Street Reconstruction

Staff: James Gittemeier introduced himself and gave a presentation. A design has been selected for this project and his team is finishing up design work. The City of Duluth received a \$25 million Rebuilding America Infrastructure with Sustainability and Equity (RAISE) grant from FHWA administered by MnDOT. Design is expected to be complete by the end of this year with preliminary construction expected to begin in 2025 which may include reconstructing intersections needed to help manage traffic, and continue through 2028. This is a 3-phase, multi-year reconstruction project similar to downtown Duluth. A total of 4 open houses have been held along with numerous meetings with various project stakeholders, including City staff, the DTA, the port, local business groups, and neighboring properties. A 5th and final open house is anticipated to be held this fall to present the final plans and discuss construction impacts, as well as how to mitigate them.

There are four “character districts” along the stretch. Design is intended to be a cohesive design, but different areas within the project have different needs that are generally driven by the surrounding land uses. This street used to be Highway 61, however, there has not been any major reconstruction since the 1920s. Part of this street still have a US highway form, but it has not been a highway for 50 years. The new design will reflect the new businesses and uses that are there now, but will still have capabilities for oversize loads passing through. The proposed design will also be community focused to make the residents comfortable, offering amenities like benches and sidewalks, landscaping for trails, as well as canopy trees for shade and greenspace to help mitigate pollution from cars and promote calmness for drivers.

Commissioners: Commissioner Wedul commented that she thinks the plan is great, and likes that it is community focused. However, feels that this draft of the plan is a little vanilla, and does not encapsulate Duluth’s true character. She would like it to feel more like Duluth, and referenced the uniqueness of Canal Park and Downtown. Wedul likes this draft, but would like to see more branding elements in future drafts of this plan.

President Eckenberg asked if the multi-use pathway will be re-established along Michigan Street. Eckenberg said that this path feels like a duplication of the multi-use pathway that runs through the city. He asked Gittemeier if there was any reason, other than the grant requirement, to have it in this reconstruction plan.

Staff: Gittemeier confirmed that there will be a multi-use path the entire length of this corridor. Part of it will be the cross-city trail from 22nd to Carlton, and from 22nd to Michigan St going the other direction will be a multi-use path. This path will be one directional on each side to compliment traffic flow. It will also be separated from the pedestrian space.

Gittemeier explained that one of the biggest recommendations that continually came from people who were brought in to help guide the redevelopment of Lincoln Park and the craft district was to make sure that a bike lane or multi-use path along the commercial streets. This is a key element of ensuring that the commercial districts are successful.

Commission: Commissioner Hammond added that multi-use pathways are mainly useful for accessing the businesses, not for a “get-anywhere” path. Further discussion ensued about the purpose of multi-use paths among the commissioners.

President Eckenberg stated that he likes that there are no parking meters in the animation, but understands that that will likely change in the future.

Commissioner Wedul asked staff if there are opportunities for storm water filtration systems to be part of the street design? She also asked Gittemeier about community garden opportunities for this plan.

Staff: James answered Wedul’s question by stating that there will be rain gardens as part of this project, especially where there is wider boulevard curb space, and is part of the grant application. He will also find out in the coming weeks if they will receive a federal grant to be able to utilize wastewater heat to heat the buildings in this neighborhood. If they do get the funding, they will also be incorporating the wastewater heat initiative into the reconstruction plan. There has been no discussion of food-producing gardens yet, but he will bring up to the project team.

Communications

Land Use Supervisor (LUS) Report – Ryan Pervenanze addressed the commission. He stated that the next Planning Commission meeting is scheduled for August 13th, which is the day of the primary election. State statute says public meetings cannot be conducted from 6pm to 8pm. He

recommends pushing the next planning commission meeting back a week to be held on August 20th.

MOTION/second: Hammond/Wedul to move the next Planning Commission meeting to Tuesday, August 20th.

Vote: (8-0)

Ryan Pervenanze mentioned to the commissioners that the previous minutes correction regarding the Midway Joint Powers Zoning Board has been made. There will also be a new planning staff member starting soon, and she will be a regular part of these meetings in the future.

Heritage Preservation Commission Report – No report

Joint Airport Zoning Board – No report

Duluth Midway Joint Powers Zoning Board – Staff is still working towards starting the Becks Road study and will continue to keep the Planning Commission updated.

Adjournment

Meeting adjourned at 6:41 p.m.

Respectfully,

Signed by:
Jennifer L.R. Moses
978B952DFFDE448...

Jenn Moses, Manager
Planning & Economic Development