

City of Duluth Planning Commission

August 12th, 2025 – 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, August 12th, 2025, in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Chris Adatte, Nik Bayuk, Gary Eckenberg, Brian Hammond, Danielle Rhodes, Dave Sarvela, and Kate Van Daele

Members Absent: Jason Crawford and Andrea Wedul

Staff Present: Nick Anderson, Shawn Krizaj, Chris Lee, Jason Mozol, Christian Huelsman, Ariana Dahlen, and Sam Smith

Approval of Planning Commission Minutes

Planning Commission Meeting – July 8th, 2025 –

MOTION/Second: Van Daele/Bayuk approved

VOTE: (7-0)

Planning Commission Special Meeting – July 21st, 2025 –

MOTION/Second: Bayuk/Sarvela approved

VOTE: (7-0)

Public Comment on Items Not on Agenda

No comments.

(Items PLIUP-2506-0032 and PLSUP-2507-0057 were removed from the consent agenda and placed under public hearings, and items PLIUP-2507-0033 and PLIUP-2507-0034 were removed and tabled)

Consent Agenda

PLIUP-2505-0002 Concurrent Use Permit for a Traffic Guardrail at E 11th St by ISD 709 [JM]

~~PLIUP-2506-0032 Interim Use Permit for a Vacation Dwelling Unit at 3 Mesaba Pl by
Heirloom Property Management [CL]~~

~~PLIUP-2507-0033 Interim Use Permit for a Vacation Dwelling Unit at 1421 E Superior St Unit~~

~~1 by Heirloom Property Management [CH]
PLIUP-2507-0034 Interim Use Permit for a Vacation Dwelling Unit at 1421 E Superior St Unit
2 by Heirloom Property Management [CH]
PLIUP-2506-0035 Interim Use Permit for a Vacation Dwelling Unit at 39 England Ave by
Darin Reinke [CH]
PLSUP-2507-0057 Special Use Permit for a Bed and Breakfast at 314 N Hawthorne Rd by
Carolyn Shull (CL)~~

Commissioners: Eckenberg requested that items PLIUP-2506-0032 and PLSUP-2507-0057 be pulled from the consent agenda to be considered separately.

MOTION/Second: Van Daele/Bayuk Approve the consent agenda items as per staff recommendations

VOTE: (7-0)

Public: Seth Sutherland with Heirloom Property Management addressed the commissioners. He requested that items PLIUP-2507-0033 and PLIUP-2507-0034 be tabled until the September meeting.

MOTION/Second: Sarvela/Van Daele Amend the approved consent agenda to table items PLIUP-2507-0033 and PLIUP-2507-0034

VOTE: (7-0)

Public Hearings

PLIUP-2506-0032 Interim Use Permit for a Vacation Dwelling Unit at 3 Mesaba Pl by Heirloom Property Management [CL]

Staff: Chris Lee stated that this property was previously caught operating as a vacation dwelling unit (VDU) without an interim use permit (IUP). Zoning enforcement staff notified and worked with the property owner to come into compliance, and they have done so. The subject property was on the VDU eligibility list.

Commissioners: Van Daele asked staff to clarify who the property owner is. She also asked why the property owner was illegally operating this property as a VDU when they have other properties that have gone through the permitting process and are operating as VDUs legally. Bayuk asked staff if they believe the non-compliance was intentional.

Staff: Lee responded that the owner of the property is Lakeview Land Co LLC, and Heirloom is the agent. There are two other IUPs for this property, so there may have been some confusion among the property management and the owner as to which units fell under which permits. Lee stated that staff can't assume whether the non-compliance issue was unintentional, but communication between the property owner and staff seems to indicate that it was not intentional.

Public: No speakers.

Motion/second: Bayuk/Sarvela approve as per staff recommendation with the following conditions:

- 1. The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.**
- 2. Applicant shall submit photos of the screening after installation to confirm it meets the requirements of a dense urban screen prior to the final interim use permit being issued.**

3. Any alterations to the approved plans that do not alter major elements of the plan and do not constitute a variance from the provisions of Chapter 50 may be approved by the Land Use Supervisor without further Planning Commission review.

Vote: (7-0)

PLSUP-2507-0057 Special Use Permit for a Bed and Breakfast at 314 N Hawthorne Rd by Carolyn Shull (CL)

Commissioners: Eckenberg asked staff to clarify how many bedrooms the subject property has. He also asked staff to address the public comments that were received regarding potential impacts to the surrounding neighborhood.

Staff: Lee answered that there are currently six bedrooms with plans to add six more for a total of twelve. Even with twelve bedrooms, the building will still appear outwardly as a single-family home. Per the zoning code, only 60 guests, guests of guests, and guests participating in events may be on the property. The applicant will be allowed to host events exceeding 60 no more the 6 times per year from October 15 through June 15. For overnight guests, twelve bedrooms would likely serve twelve to twenty-four people at a time, but Lee deferred to the applicant to speak more about that.

Commissioners: Eckenberg addressed another public comment received regarding the location of the driveway and asked staff if there had been any traffic engineering study done for this property. He also asked staff to explain why the term 'boutique hotel' was used in the zoning notice for this application.

Staff: Staff determined that the threshold of traffic going in and out of the property on a regular basis did not trigger any need to reassess the traffic study. City Engineering was notified of this project and did not voice any concerns about traffic.

There is no definition for a boutique hotel in the UDC. It's possible that the applicant chose to use that language to align with their desired business model, but staff are still treating this application as a bed & breakfast. Staff have guidelines for what is required to appear on a zoning notice sign, but staff do not control what applicants put on the sign. The applicant met the zoning notice sign requirements for this application.

Applicant: Carolyn Shull addressed the commissioners. She and her partner recently purchased the subject property from a family member. Shull stated that the main house has six bedrooms, and the carriage house has two bedrooms. There are several other spaces on the property that could be converted into bedrooms. They want to share the property with others, and they are happy to answer questions.

Commissioners: Eckenberg asked the applicants if they would provide breakfast for their guests. He also asked the applicants to describe their definition of a boutique hotel.

Applicant: Shull believes that a boutique hotel is somewhere between hotel and bed and breakfast. She and her partner are choosing to advertise their property as a boutique hotel instead of a bed and breakfast because there will be no cooked breakfasts or breakfast buffets provided, but they will have pastries and coffee available for guests to take. By doing this, guests won't have the expectation of a breakfast buffet, but they'll be happy to see that some sort of refreshments are provided. It will be more of a boutique hotel because the guests will have access to common spaces such as a dining room or a library, whereas a regular hotel common space would be a lobby. Shull stated that she and her partner will live on the property. The bed and breakfast will not be staffed 24/7 and they will hire other companies to assist with cleaning as well as guest check-ins and check-outs.

Commissioners: Van Daele thanked the applicants for investing in their neighborhood. Her family also lives in the neighborhood. She has been approached by some of the other nearby property owners with concerns about this project. She feels anxious about the impact of adding 60 more people to an already busy traffic area. Van Daele asked the owners if they and the property management company would be willing to implement safety guidelines for guests to help keep the neighborhood safe.

Applicant: Shull responded that any increase in guest traffic will pale in comparison to the traffic from when the nearby school lets out each day. She also stated that they do not have a big enough area to host large events like weddings, so they plan on hosting smaller events. The applicants would ideally not allow children in the house because of the shared spaces in the home. Shull added that the driveway is also very narrow, and she believes this will encourage slower driving on the property. Shull is willing to add some sort of safety guidelines for guests wishing to stay at the bed and breakfast.

Public: Joy Pyle, 3232 E 4th St – Ms. Pyle is one of the neighbors to the subject property and she is not in favor of the project. She expressed concerns about safety, as she is uncomfortable with having strangers come in and out of the neighborhood. Pyle also voices concerns about traffic and how the property and business will be managed.

David Bjorkman, 120 N 33rd Ave E – Mr. Bjorkman is opposed to the project. He has lived in the neighborhood for decades and is concerned that the bed and breakfast will change the character of the neighborhood. The homes in his neighborhood have a lot of history and they've been maintained well over the years, but he worries that converting the subject property into a boutique hotel would encourage other homes to do the same. He also expressed concerns about parking and property management.

Staff: Shawn Krizaj, Fire Chief – Krizaj is not in favor or opposition of the project, but he would like to address some concerns on behalf of other city staff. There are fire code regulations for hotels and bed and breakfasts, but there is no classification in the code for boutique hotels. He is concerned that this creates gray area in the code, and it could become a way for people to get around the vacation dwelling unit requirements. Krizaj believes that the city needs to address boutique hotel classifications and requirements going forward for future projects. He also mentioned that there will be a routine pre-construction meeting with the property owners and city staff tomorrow to continue the permitting process, and he suggested that commissioners follow up with fire marshal Lisa Consie for more details if they wish.

Commissioners: Van Daele asked the Fire Chief to elaborate on the potential challenges city staff could face from having this gray area in the code. She also asked if it was normal for projects to have the pre-construction permitting meeting after a planning commission decision has been made.

Staff: Krizaj responded that it was hard to give an answer to that question. The property owners have been cooperating through the process so far, and he does not see problems with this specific project. He is concerned that the gray area could cause issues with future enforcement cases on other properties with similar projects. Each project timeline is different, so sometimes the planning commission decisions happen before other city staff meetings. Preconstruction meetings are often when concerns pop up for projects.

Lee added that it is not uncommon for pre-construction meetings to happen after a planning commission decision. Tomorrow's preconstruction is strictly about building code and the building permit process.

Commissioners: Van Daele asked staff how this project's timeline would be impacted if commissioners voted to table it.

Staff: Lee answered that the timeline for action is outlined in the staff report. Action for this application needs to be made by October 30th, 2025. No action would default to approval for this application.

Commissioners: Rhodes feels that the language for bed and breakfasts and vacation dwelling units may be confusing to the public, and she hopes that clarifying this part of the code is a priority going forward. Discussion ensued amongst the commissioners regarding classifications for bed and breakfasts and the role planning commission plays in this project.

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

1. **The project be limited, constructed, and maintained consistent with plans submitted and included in this report;**
2. **The property be limited to the 6 events per year from October 15 through June 15.**
3. **Any alterations to the approved plans that do not alter major elements of the plan and do not constitute a variance from the provisions of Chapter 50 may be approved by the Land Use Supervisor without further Planning Commission review.**

Vote: (5-2)

Eckenberg and Van Daele opposed

PLVAC-2506-0005 Vacation of Right of Way at 26th Ave W & W 10th St by CF Designs [CL]

Staff: Chris Lee addressed the commission and gave a presentation of the project. The applicant is requesting to vacate a 140' x 33' portion of platted North 26th Avenue West between West 10th Street and West 10th Street Alley affecting Lot 1 of Block 17. Applicant is proposing to vacate the southwestern half of the right of way; the northeastern half is adjacent to city-owned property and contains the Superior Hiking Trail (SHT) so this portion will remain as right of way. The proposed vacation will allow the adjacent property owner to gain lot area to construct a single-family home. The platted street will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth since the proposed vacation area is currently unimproved and the City has no plans to make improvements. The City has determined this portion of the street is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the city. Vacating the street also will not deny access to other property owners. Staff recommends approval with conditions.

Applicant: Cheryl Fosdick addressed the commissioners on behalf of the applicants. The applicants own the property that is immediately to the southwest of the subject property. The subject property is extremely steep, and it is almost all rock with no city services. This project will bring sewer and water to the subject property, and it will ultimately be added to the tax base. The proposed vacation is needed due to the steepness. The extra space would allow for easier access to the property. There is no road yet, but this project could help bring almost an entire street to the market.

Public: No speakers.

Commissioners: Rhodes commented that it is typical to split a vacation with neighbors, and in this case one of the recipients is the city.

Motion/second: Sarvela/Van Daele approve as per staff recommendation with the following conditions:

1. The vacation and easements must be recorded within 90 days of final approval by City Council or such approval will lapse.
2. The vacation must be approved with a 6/9 vote from City Council.

Vote: (7-0)

Other Business

No other business.

Communications

Land Use Supervisor (LUS) Report – Jason Mozol addressed the commissioners and announced that he is filling in for Jenn Moses. Staff are looking for feedback from commissioners to see if there is any interest in attending office hours for planning commissioners to meet with staff one-on-one to ask questions prior to planning commission meetings.

Commissioners: Eckenberg suggested a brown bag meeting for commissioners to discuss boutique hotels or other language changes. Emails have been working well for other commissioners if they have questions for staff about agenda items.

Van Daele suggested having conversations about getting other department feedback for future projects.

Heritage Preservation Commission Report – There was no official meeting for August because there was not a quorum. Parks and Recreation staff and a consultant gave a presentation of the Chester Bowl project to one of the HPC commissioners that showed up. It was a preliminary step that SHPO requires for the project. They will be back to present next month.

Adjournment

Meeting adjourned at 6:11 p.m.

Respectfully,

Signed by:

Jennifer L R Moses

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Jenn Moses, Manager
Planning & Economic Development