

City of Duluth  
Planning Commission  
February 9, 2016 Meeting Minutes  
Council Chambers - Duluth City Hall

I. Call to Order

President Zandra Zwiebel called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, February 9, 2016, in city hall council chambers.

Roll Call

Attending: Terry Guggenbuehl, Janet Kennedy, Tim Meyer, Garner Moffat, Mike Schraepfer, and Zandra Zwiebel

Absent: Marc Beeman and Luke Sydow

Staff Present: Keith Hamre, Nate LaCoursiere, John Judd, Steven Robertson, Jenn Reed Moses, John Kelley and Cindy Stafford

II. Public Hearings

- A. PL 16-005 UDC Map Amendment to Rezone from MU-B to MU-N for the 4200 and 4300 Block of Grand Avenue, by the City of Duluth

**Staff:** John Judd introduces the city's proposal to rezone the areas along the North side of Grand Avenue including the following properties: 4101, 4105, 4109, 4113 and 4115 and all of the lots fronting the South side of Grand Avenue from North 42<sup>nd</sup> Avenue West to North 44<sup>th</sup> Avenue West from Residential Traditional (R-1) to Mixed Use Neighborhood (MU-N). Staff recommends approval for the reasons listed in the staff report.

**Applicant:** N/A

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Moffat/Meyer recommend approval as per staff's recommendations.

**VOTE: (6-0)**

- B. PL 16-007 Final Plat Morgan Park Townhomes at the Site of the Former Morgan Park School at 1243 88<sup>th</sup> Avenue West, by Aaron Schweiger

**Staff:** Jenn Moses introduces the applicant's proposal to subdivide the property into ten parcels in preparation for future apartment buildings on the site of the former Morgan Park School. This subdivision would occur in phases, with the first four parcels being platted first (along 90<sup>th</sup> Avenue W.), and the remainder of the plat, including right of way, occurring tentatively in 2017. Staff recommends approval with the conditions listed in the staff report. Garner Moffat noted the surrounding streets are in alphabetical order. What is the city's policy? Per Moses, city engineering develops the street name and tries to keep it consistent. Janet Kennedy notes the applicant's name listed on the street on the map was just a place holder and not necessarily the final name. Moses notes it won't be the official name until it's listed on the final plat.

**Applicant:** Adam Zwak engineer from Northland Consulting addresses the commission and asks if there are any questions. Moffat comments he doesn't agree with putting a cul-de-sac in a grid system, and also questions the street name.

**Public:** N/A

**Commissioners:** Moffat makes a motion with the added condition the name would be Grace Circle. Chair Zwiebel notes there is a street named Grace Street which could

cause confusion. Mike Schraepfer agrees with Chair Zwiebel. Tim Meyer doesn't approve with the added condition. Moffat notes it's a public street and should have some consistency.

**MOTION/Second:** Moffat/Guggenbuehl approved as per staff's recommendations with an additional condition the street name be Grace Circle.

**VOTE: (3-3, Zwiebel, Meyer and Schraepfer opposed)**

**MOTION/Second:** Moffat/Guggenbuehl approved as per staff's recommendations with an additional condition/strong recommendation that the street name start with the letter G to remain consistent with the other streets.

**VOTE: (6-0)**

- C. PL 16-008 Mixed Use Waterfront (MU-W) Planning Review for Hotel (Minor Adjustment from Previously Approved Plan)

**Staff:** Jenn Moses introduces the applicant's proposal for a revised MU-W Planning Review increasing the size of the hotel from 70 rooms to 84 rooms and reducing the size of the convenience store from 900 sq. ft. to 284 sq. ft. The building width is reduced from 67 feet to 62 feet. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Tom Hergonoff, their civil engineer addresses the commission and asks if there are any questions. He notes there was a comment last time about a previous hotel's exterior looking plain. He notes this exterior will have a little more flash.

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Guggenbuehl/Moffat approve as per staff's recommendations.

**VOTE: (6-0)**

- D. PL 15-188 Mixed Use Institutional (MU-I) Planning Review at 1215 Rice Lake Road by Marshall School

**Staff:** Steven Robertson introduces the applicant's proposal to provide living quarters for up to 30-32 international students that attend Marshall School; an existing structure will be converted from business/office use to a dormitory/rooming house for students. Staff recommends approval subject to the conditions listed in the staff report.

**Applicant:** Beth Tessier - CFO and Kevin Breen - Head of School, address the commissioners and they welcome questions. Chair Zwiebel asks if it was always a plan to repurpose the buildings. Tessier notes it was originally a residence, and they have used it for many things over the years. Terry Guggenbuehl thinks this is a wonderful proposal and wasn't aware of Marshall School's involvement in the study abroad program. Kennedy asks about the other tenants in the building. Per Tessier they have found other places to go.

**Public:** N/A

**Commissioners:** N/A

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

**VOTE: (6-0)**

- E. PL 16-006 Vacation of Platted Street Right of Way at Vandenberg Drive by the City of Duluth

**Staff:** Steven Robertson introduces the city's proposal to vacate portions of platted Vandenberg Drive in the Airport Division near the Duluth International Airport. Staff recommends approval of the vacation of the utility easement without conditions.

**Applicant:** N/A

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Guggenbuehl/Moffat recommend approval as per staff's recommendations.

**VOTE: (6-0)**

- F. PL 16-001 Vacation of Platted Street Right of Way for 8267 Congdon Boulevard

**Staff:** Jenn Moses introduces the applicants' proposal to vacate an undeveloped right of way. The undeveloped road is 30' wide. Staff recommends approval with the condition listed in the staff report.

**Applicant:** Jack Curtis addresses the commission and asks if there are any questions.

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Moffat/Schrapfer recommend approval as per staff's recommendations.

**VOTE: (6-0)**

- G. PL 16-002 Vacation of Platted Street Right of Way for 4441 Grand Avenue by the City of Duluth

**Staff:** Jenn Moses introduces the city's proposal to vacate an undeveloped alley at 4441 Grand Avenue. The city and community partners are working to develop a greenhouse and community garden at this site. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** N/A

**Public:** Dave Stromgren – 4216 W. 6<sup>th</sup> Street – addresses the commission. He owns the two houses next to the dairy queen. The alley is used up to 4<sup>th</sup> Street. After school people park in the alley which connects to 45<sup>th</sup> Ave W. The barriers were just put up last fall. The city is not plowing the alley behind the two houses. He foresees eventually selling the homes to school district but until that time he doesn't feel the alley should be vacated. He opposes the vacation. Kennedy the project they are proposing is amazing and will help with the food dessert in the area. She lives in the area. She wonders if he didn't own the property if he would still be opposed. He notes his mother lives in one of the homes and doesn't want to move. He feels the parking lot congestion will affect them. The only way out would be back through the parking lot to exit the 2 houses. Chuck Koltes owner of Dairy Queen addresses the commission. He is in favor of closing the alley and mentions the piles of dirt which gathers, and the safety of customers. He notes at peak times there is a high volume of traffic flowing through the alley. The barriers have helped. He finds it beneficial to his business and is in support.

**Commissioners:** Meyer asks staff if there was a traffic study performed of the alley traffic. Moses states there were no vehicle counts, but notes the gravel road collecting water and mud puddles could be a safety hazard.

**MOTION/Second:** Moffat/Schrapfer recommend approval as per staff's recommendations.

**VOTE: (6-0)**

### III. Other Business

- A. Preliminary New Rules and Standards for Vacation Rental by Owner, Air BNB, and Home Away/Home Share (One Year Moratorium, Per Ord. 10390, Effective Date July 17, 2015)  
**Staff:** John Kelley gives an overview of the memo dated February 9, 2016. They began with internal discussions to talk about the different models and issues of concern. Topics included code conflicts, length of stay, Airbnb model (home share), location of vacation dwelling units, and enforcement. Definition of a vacation dwelling unit is a commercial use of a habitable unit by a guest in a non-owner occupied dwelling. Staff is suggesting that the City extend the length of stay for short term rental to 30 days (prior 21 days). Staff stated there was a lot of discussion at the public meeting regarding the minimum night stays requirements currently at 3 nights and reducing it to a 2 night minimum. However there are many concerns from neighbors about increased turnover which creates additional traffic and noise. Staff is proposing that new standards be included in the vacation dwelling unit ordinance that require the property owner to provide a site plan (drawn to scale) showing all structures and outdoor rec areas that guests will be allowed to use. Staff is also proposing that a provision for a dense urban screen be required to buffer these areas from adjoining properties. Director Keith Hamre stresses the difference between a vacation dwelling unit and a Home share. Meyer confirms the outcome will be adjustments to the UDC. Per Director Hamre the public hearing will be next month. Moffat complements Kelley and city staff for doing an excellent job. He agrees with their process of looking at other city models to note what is working and trying to find a good fit for Duluth. Schraepfer agrees with Moffat. Director Hamre states they are proposing a 3-strike process for notice of a violation for disturbances. There will be a monthly review process. The police department will now have a list (I-Trakit) of vacation rental and home share properties and will know how to respond appropriately. Enforcement will be much more strict. Guggenbuehl asks if there will there be a list available to the commissioners. Per Director Hamre, yes. Schraepfer notes the locations of Arrowhead Rd. and London Rd. Is there a way to treat these areas differently? The issues aren't the same in those high-traffic areas. Kelley states it's a consideration that can be looked at.

Home Share – a commercial use of a habitable room by a guest in an owner-occupied dwelling for compensation be it monetary of the exchange of goods or services. A Guest is a person occupying a home share of vacation dwelling unit rental that is not a permanent resident of the property. The application fee would be \$200. They must meet the requirements. Permit standards include properties operating without a permit would incur an immediate fine of \$500. At least one permanent resident must be present in the dwelling at all times that the property is rented. Chair Zwiebel mentions taxes and will it be similar to the motel/hotel tax situation. Director Hamre, states yes. Guggenbuehl asks if staff will be monitoring the units who aren't complying. Kelley states yes. They will be looking on Craig's List and other sites. Guggenbuehl asks about host families for international students whose families get reimbursed. Director Hamre they would be visitors not guests. Schraepfer asks how they compare to beds and b-fast. Director Hamre notes the latter having kitchen and food prep requirements. Moffat notes how Airbnb are working at building relationships in regards to their services. It's in their best interest to work with local governments. Director Hamre notes there is a public hearing at the upcoming March 8<sup>th</sup> planning commission meeting.

(Chair Zwiebel leaves meeting at 6:41 and Vice-Chair Moffat assumes her position.)

IV. Communications

A. Manager's Report – Director Hamre gives an overview. The city council overturned the planning commission's decision on the park point variance for a side yard setback. The applicants claimed they were moving in with a disabled brother, which would require modifications to the house. This information was not presented to the planning commission. Director Hamre noted that Councilor Russ would like to change their process and the way they handle appeals. They would like a form that the applicant fills out stating what they are appealing and what information didn't the planning commission consider. Schraepfer remembers bringing this up at the time their variance approvals/denials seem subjective and he would like them to be more objective. He would like to see a guideline to follow. Guggenbuehl thinks they need to be careful about allowing criteria for aging in place. He agrees with the concept, but it's not an excuse to remove setback requirements. Moffat comments he would like to see new information come back to the planning commission. He feels in this case they could have remodeled the kitchen and made the space ADA compliant without the variance.

➤ Director Hamre notes there is an application for a new cell tower in the Denfeld neighborhood - 39<sup>th</sup> Ave. W. These are the same consultants who worked on the Chester Bowl cell tower.

B. Annual Meeting, Tuesday March 15, 2015, no by-law changes have been brought forth as of yet.

C. Consideration of Minutes – January 12, 2016

**MOTION/Second:** Guggenbuehl/Meyer approve the minutes.

**VOTE: (5-0)**

D. Reports of Officers and Committees

-Heritage Preservation Commission Representative – Guggenbuehl gives an overview. What might be coming to the planning commission is their consideration to allow adaptive reuses of historic structures in R-P districts. He notes a converted church in the west Duluth Ramsey Village.

➤ Brown Bag – Moffat suggests the topics of cul-de-sacs and street naming consistency.

➤ Special meeting Wed. 2/17/16 at 5:00 p.m.

E. Meeting adjourned at 6:53 p.m.

Respectfully,



Keith Hamre - Director  
Community Planning and Construction Services